The motion was agreed to; and the Senate proceeded to the consideration of executive business in open session.

UNITED STATES CIVIL SERVICE COMMISSION

Mr. DALE. From the Committee on the Civil Service, I report back favorably the nomination of Thomas E. Campbell, of Arizona, to be a member of the United States Civil Service Commission, vice William C. Deming, resigned.

Mr. ASHURST. Mr. President, I ask unanimous consent for the present consideration of this nomination.

Mr. McKELLAR. As I understand, both the Senator and his colleague, the junior Senator from Arizona [Mr. HAYDEN], are entirely favorable to this nomination?

Mr. ASHURST. Very much so.

Mr. McKELLAR. I take pleasure in not objecting.

The VICE PRESIDENT. Without objection, the nomination is confirmed, and the President will be notified.

REPORT OF A JUDICIAL NOMINATION

Mr. STEIWER, from the Committee on the Judiciary, reported favorably the nomination of Raymond U. Smith, of New Hampshire, to be United States attorney, district of New Hampshire, which was placed on the Executive Calendar.

Are there further reports of committees? If not, the calendar is in order.

THE JUDICIARY

Mr. McKELLAR. Mr. President, I understand that there are two nominations of citizens of Arkansas that Senators ROBINSON and CARAWAY both desire to have confirmed. They have been delayed for a day or two. I ask unanimous consent that the two nominations be confirmed.

The VICE PRESIDENT. Let them be stated.

The Chief Clerk announced the nomination of George L. Mallory, of Arkansas, to be United States marshal, eastern district of Arkansas (now serving under an appointment expiring June 15, 1930).

The VICE PRESIDENT. Without objection, the nomination is confirmed, and the President will be notified.

The Chief Clerk announced the nomination of Wallace Townsend, of Arkansas, to be United States attorney, eastern district of Arkansas, vice Charles F. Cole, term expired.

The VICE PRESIDENT. Without objection, the nomination is confirmed, and the President will be notified.

The calendar is in order.

TREATIES

The Chief Clerk proceeded to announce sundry treaties.

The VICE PRESIDENT. The treaties will be passed over.

POSTMASTERS

The Chief Clerk proceeded to announce the nominations of sundry postmasters.

Mr. PHIPPS. I ask unanimous consent that the postmasters be confirmed en bloc, and the President notified.

The VICE PRESIDENT. Without objection, the nominations are confirmed en bloc, and the President will be notified.

APPOINTMENT IN THE ARMY

The Chief Clerk announced the nomination of Col. William Harvey Tschappat to be Assistant to the Chief of Ordnance, with rank of brigadier general, vice Brig. Gen. Samuel Hof.

The VICE PRESIDENT. Without objection, the nomination is confirmed, and the President will be notified.

EXECUTIVE MESSAGES REFERRED

The VICE PRESIDENT laid before the Senate messages from the President of the United States making sundry nominations, which were referred to the appropriate committees.

RECESS

Mr. McNARY. As in legislative session, I move that the Senate carry out the unanimous-consent agreement and recess until to-morrow at 12 o'clock.

The motion was agreed to; and (at 4 o'clock and 40 minutes p. m.) the Senate, under the order previously entered, took a recess until to-morrow, Tuesday, June 10, 1930, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate June 9, 1930

ENVOY EXTRAORDINARY AND MINISTER PLENIPOTENTIARY

David E. Kaufman, of Pennsylvania, to be envoy extraordinary and minister plenipotentiary of the United States of America to Siam.

MEMBER OF THE UNITED STATES CIVIL SERVICE COMMISSION

Thomas E. Campbell, of Arizona, to be a member of the United States Civil Service Commission, vice William C. Deming, resigned.

PROMOTION IN THE NAVY

Capt. Charles H. Harlow, United States Navy, retired, to be a commodore on the retired list of the Navy from the 29th day of May, 1930, in accordance with a provision contained in an act of Congress approved on that date.

CONFIRMATIONS

Executive nominations confirmed by the Senate June 9, 1930

MEMBER OF THE UNITED STATES CIVIL SERVICE COMMISSION

Thomas E. Campbell.

UNITED STATES ATTORNEY

Wallace Townsend, eastern district of Arkansas.

UNITED STATES MARSHAL

George L. Mallory, eastern district of Arkansas.

APPOINTMENT IN THE ARMY

Col. William Harvey Tschappat to be assistant to the Chief of Ordnance, with rank of brigadier general.

POSTMASTERS

ARKANSAS

Roy L. Goad, Cabot.

FLORIDA

Arthur W. Lawrence, Clewiston.
Ethel P. Summitt, Shamrock.

ILLINOIS

Hoyt B. Kerr, Brookport.
Victor F. Boltenstern, Cambridge.
Clyde S. Coyle, Hurst.
Ora C. Baiar, Johnston City.
Howard J. Bailey, Princeton.
Howard W. Ruedger, Thawville.

KANSAS

Harry R. Markham, Alton.
William A. Tihen, Harper.

MISSISSIPPI

Roy F. Bonds, Booneville.
Ray A. Whelan, Indianola.
Della A. Myers, Newhebron.

NEW YORK

George A. Hardy, Philadelphia.
James F. Cooper, Stanley.

NORTH CAROLINA

John E. Rickman, Franklin.
Walter D. Warren, Sylva.

WEST VIRGINIA

Archie N. Cook, Cameron.

HOUSE OF REPRESENTATIVES

MONDAY, *June 9, 1930*

The House met at 12 o'clock noon and was called to order by the Speaker.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Our Father in Heaven, we praise Thee for these sacred silences in which we may sound our own hearts and where Thou art assuredly found. May we take all we can from this place and turn it to account in living a life that has definite value. O light of life, a star from the everlasting flame, shine upon our path. Let the thought of Thy mercy be with us to-day, guiding us as the star guides the sailor. Bless us all with the riches of wisdom, peace, and friendship until we commune with Thee in the garden at twilight. Do Thou keep our Republic a pure and undefiled democracy, in which every man, woman, and child shall have the utmost liberty consistent with the liberty of others. In the Father's name. Amen.

The Journal of the proceedings of Friday, June 6, 1930, was read and approved.

RAILROAD CONSOLIDATIONS

Mr. ANDRESEN. Mr. Speaker, I ask unanimous consent to extend my remarks on the subject of railroad consolidations.

The SPEAKER. The gentleman from Minnesota asks unanimous consent to extend his remarks on the subject of railroad consolidations. Is there objection?

There was no objection.

Mr. ANDRESEN. Mr. Speaker, I arise at this time to call the attention of the House to the Couzens-Knutson resolution, which recently passed the Senate and which now lies in the House Committee on Interstate and Foreign Commerce. The resolution provides for the suspension of the powers of the Interstate Commerce Commission to permit railroad consolidations until such time as Congress shall have had full opportunity to make its investigation as to the feasibility of the proposals made by the various railroad companies.

For several months the Minnesota delegation in the House has been active in bringing about an organized effort for the passage of the Couzens-Knutson resolution. A member of the delegation appeared before the Senate committee in behalf of the entire 10 Members and presented an exhaustive and complete brief in support of the resolution. Our delegation brought about the organized effort on the part of the Middle West and Western States represented in the House to join with labor, agricultural, and business groups in opposition to proposed consolidations and in support of the resolution.

Representatives of the railroad brotherhoods and of small business groups have cooperated whole-heartedly with the delegation in an effort to secure action on the resolution opposing railroad consolidations. The State of Minnesota has placed its attorney general and its railroad and warehouse commission in readiness to act for the protection of the people of the State of Minnesota.

The House should pass the Couzens-Knutson resolution before adjournment of Congress, and the Interstate and Foreign Commerce Committee should therefore authorize immediate hearings and report the resolution to the House for action. It is true that the time is probably short, but we demand action now and feel that this matter is an emergency of such importance to the people that prompt action can be had.

On June 6, 1930, after a personal conference with Chairman PARKER, of the committee, the 10 members of the Minnesota delegation in the House submitted the following demand for a hearing on the resolution:

JUNE 6, 1930.

Hon. JAMES S. PARKER,
Chairman Committee on Interstate and Foreign Commerce,
House of Representatives.

DEAR MR. CHAIRMAN: The undersigned Members of the Minnesota delegation wish to urge upon you the desirability of holding hearings on the Couzens-Knutson resolution to suspend the powers of the Interstate Commerce Commission to permit railroad consolidations until such a time as Congress shall have had an opportunity to investigate the subject more fully.

While we realize that the time is drawing short, we feel that you should at least begin holding hearings before the adjournment of Congress so as to serve notice upon the Interstate Commerce Commission that the matter is receiving the earnest attention of Congress and that no further action should be taken by the commission until Congress shall have had an opportunity to conclude its study of this very important subject.

Very truly yours,

HAROLD KNUTSON, *Chairman.*	GODFREY G. GOODWIN.
CONRAD G. SELVIG.	WILLIAM A. PITTENGER.
AUGUST H. ANDRESEN.	FRANK CLAGUE.
VICTOR CHRISTGAU.	W. I. NOLAN.
MELVIN J. MAAS.	PAUL J. KVALE.

Every pressure should be brought upon Mr. PARKER and the members of the Committee on Interstate and Foreign Commerce to hold hearings at once. The leadership of the House and the administration owe a duty to the people, and should insist on action before adjournment.

At the present time I am particularly opposed to the proposed consolidation of the Great Northern and Northern Pacific. Rumors are in the air to the effect that secret negotiations are taking place for a consolidation as soon as Congress adjourns. It is, therefore, highly important that Congress act promptly on the merger matter in order to protect the interests of the people.

If the Interstate Commerce Commission approves the merger of the two Northern Railroads, thousands of laboring men will be thrown out of employment, railroad shops will be moved out of many cities in the Northwest, and those communities destroyed.

It has been stated by railroad executives that approximately $10,000,000 per year will be saved by a merger of the two Northerns, but the same executives will give no assurance to the public that this saving will be reflected in lower transportation rates. In fact, they state that possibly at some future time they will take into consideration a lowering of rates, but not for the present. Instead of lowering freight rates, a movement is on foot to secure further increase with an additional burden to the public.

The life of agriculture depends to a large extent upon lower transportation rates, but it seems from past actions that the Interstate Commerce Commission is not in sympathy with such a program. As long as the commission fails to function in the right direction the only hope of the farmers in the Middle West is for the development of water transportation.

The administration and Congress owe a duty to the laboring men of the country, and that duty is the obligation to assist these laborers in maintaining consistent employment at a wage which will be in conformity to our American standards of living. Such a duty will be ignored if the Government permits consolidations and mergers of railroads, thereby throwing thousands of railroad men out of employment. Failure of the Government to act in such a way as to prevent mergers will be a disgrace upon the principles and ideals of our country.

The Couzens-Knutson resolution should be approved at the present session of Congress, and no time should be lost on the part of the administration in preventing consolidations of railroads when it is conclusively shown that such mergers will be detrimental to labor and business in the communities affected.

HISTORY OF PUBLIC BUILDING LEGISLATION

Mr. ELLIOTT. Mr. Speaker, I ask unanimous consent to extend my remarks by printing a history of the public-building legislation, written by me, which was published in yesterday's Washington Post.

The SPEAKER. The gentleman from Indiana asks unanimous consent to extend his remarks by inserting a history of the public-building legislation written by himself and published in yesterday's Washington Post. Is there objection?

Mr. CHINDBLOM. Reserving the right to object—and, of course, I shall not object—I want to say I am very glad the gentleman is giving us the benefit of that history in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

Mr. ELLIOTT. Mr. Speaker, under the leave to extend my remarks in the RECORD I include the following history of public building legislation, written by me, published in the Washington Post of June 8:

ELLIOTT DESCRIBES BUILDING PROGRAM—UNITED STATES PLANS ARE TRACED FROM 1913 TO ENACTMENT OF CRAMTON BILL—IMMENSE SUMS VOTED

By RICHARD N. ELLIOTT, Representative from Indiana and chairman of the Committee on Public Buildings and Grounds

Inasmuch as our Federal Government has embarked on the most ambitious and comprehensive public building program ever initiated by any nation at any time in the history of the world, and as this program not only provides for the development of our National Capital but for the construction of courthouses, customhouses, immigration stations, marine hospitals, post offices, and other buildings to house the Federal activities in all of the States and Territories as well, it may be of interest to the country to review the history of the various acts of Congress authorizing this great constructive program.

The last omnibus public building bill was approved March 4, 1913. This law authorized the construction of various buildings throughout the country to the amount of about $45,000,000. Before the Treasury Department was able to construct the buildings authorized in that act the World War came on and increased the price of labor and the cost of building material to such an extent that most of the buildings authorized could not be constructed within the limits of cost fixed in this bill. After the United States entered the war all of the work on these buildings was discontinued.

During the Sixty-eighth Congress I was called upon to take charge of the Committee on Public Buildings and Grounds of the House of Representatives in the capacity of acting chairman. I found most of the cities named in the act of March 4, 1913, clamoring for the passage of an act of Congress to increase the limit of cost of their buildings authorized in said act. I also found bills on the calendar of the committee asking for public buildings to be authorized to the amount of $230,000,000. These bills had been introduced by Members of Congress from all the States and Territories.

DEMAND FOR BUILDINGS LARGE

President Calvin Coolidge had also recommended to Congress the passage of a bill authorizing the construction of executive buildings in Washington to the amount of $50,000,000, to be constructed in a 5-year program of $10,000,000 annually. He had also given out the information that he was opposed to the passage of any more of the old-time omnibus public building bills which looked more to the desires of individual places than it did to the needs of the Government service.

There was a very pressing demand for buildings throughout the country, and I knew that it was not possible to secure the passage of a bill to erect the needed buildings in the city of Washington unless it also carried a large amount to take care of the acute situation throughout the country. It appeared necessary for a new method to be devised to handle this perplexing question.

Walter Magee, Member of Congress from the State of New York, was especially interested on account of an aggravating situation in his home city of Syracuse, and while he was not a member of the Committee on Public Buildings and Grounds, we had frequent interviews on the subject of public buildings. One afternoon we had a long talk on the subject, which resulted in the framing of a bill to authorize $50,000,000 for the District of Columbia and $100,000,000 for the States and Territories on a program allowing $10,000,000 each year for the District of Columbia and $15,000,000 for the States and Territories until the program was completed.

It authorized the Secretary of the Treasury to select the places where buildings were to be built; he was also to determine the character of the buildings and fix the amounts necessary to construct them, after which he was to submit his report to the Bureau of the Budget and then it should go to the Committee on Appropriations of the House of Representatives, the same as other Budget expenditures, and when approved by Congress and the President the Secretary of the Treasury could then proceed with the construction of the buildings.

I introduced this bill in the House of Representatives during the early part of December, 1924, and it was referred to the Hon. Andrew W. Mellon, Secretary of the Treasury, for his opinion on the merits of the bill. This bill seemed to meet with his approval, and he informed me that he thought the bill would work but suggested that I permit him to take the matter up with President Coolidge.

MET COOLIDGE POLICY

On the last day of December, 1924, I received a letter from the Secretary of the Treasury suggesting several amendments which he thought would improve it, and he closed the letter with the following significant statement: "I am authorized to state that the inclosed bill is not inconsistent with the financial program of the President." Armed with this letter, I redrafted the bill to meet the suggestions of the Secretary of the Treasury and introduced it in the House of Representatives.

In the meantime the measure had received the hearty approval of the press throughout the country.

When the bill came up in the Committee on Public Buildings and Grounds of the House of Representatives it was met with determined opposition by a strong minority of the committee, but after a hearing covering several days the committee instructed me to report the bill for passage with some amendments, the most important of which was to give the Postmaster General the authority to act jointly with the Secretary of the Treasury in all cases where post offices were involved.

The bill was promptly taken up in the House under a motion to suspend the rules, where it again met with a determined fight, but it received a little more than the two-thirds majority necessary to pass it, and it was passed and sent to the Senate. The bill received no consideration by the Senate at that time and died at the end of the Sixty-eighth Congress.

COOLIDGE SIGNS BILL

I reintroduced the bill in the Sixty-ninth Congress, after amending it some. The principal amendment was to add $15,000,000 to the bill for the purpose of increasing the limit of cost on the buildings authorized by the act of March 4, 1913, which had not been finished. The bill was promptly passed under suspension of rules, by a vote of about three-fourths of the Members of the House. When it went to the Senate I succeeded in getting the late Senator Bert M. Fernald of Maine, who was chairman of the Committee on Public Buildings and Grounds of the United States Senate, interested in the bill, and after a long and laborious fight he succeeded in getting the bill passed by the Senate. The bill was signed by the President on May 25, 1926.

The passage of this bill marked an epoch in the history of the public buildings of the United States, because it was the first time that Congress had adopted a comprehensive plan for the erection of public buildings.

When this public building bill was being considered in the Senate Senator William Cabell Bruce, of Maryland, offered an amendment to the bill, which was adopted, providing that the public buildings in the city of Washington should be constructed south of Pennsylvania Avenue and west of Maryland Avenue projected in a straight line to Twining Lake. The Public Building Commission and the Secretary of the Treasury then determined that these buildings should be constructed within the area bounded by Pennsylvania Avenue and B Street, extending from Fifteenth Street to Sixth Street NW, and reservations A, B, C, and D.

This made it necessary for additional legislation to be passed to take over all of the lands in said area not already owned by the Government. A bill was introduced in the House by me, and in the Senate by Senator REED SMOOT, in the Sixty-ninth Congress to take over said lands at a cost of not to exceed $25,000,000. This bill passed the House and Senate and died in conference.

In the Seventieth Congress I introduced the same bill in the House and Senator SMOOT introduced the same in the Senate. The House bill was passed by the House and Senate and was approved January 13, 1928.

MORE MONEY IS VOTED

In the meantime we had all come to the conclusion that $115,000,000 would not be enough money to take care of the building program in the States and Territories and that we should authorize the expenditure of more than $25,000,000 annually. DANIEL A. REED, Representative from the State of New York, introduced a bill in the Seventieth Congress to amend the public building act of May 25, 1926, to authorize an additional $100,000,000 for public buildings throughout the country and authorized the expenditure of $35,000,000 annually, $10,000,000 of which was to be spent in the District of Columbia and $25,000,000 in the States and Territories. The bill passed the House and Senate and was approved by the President on February 24, 1928.

During all of the years since the organization of the United States Supreme Court following the adoption of the Constitution in 1787 the court has not had a suitable or adequate home. It first met in New York, then in Philadelphia, and was moved to Washington in 1804. For a long time it occupied a small room adjacent to the old Senate Chamber, which is now used by the marshal of the Supreme Court for an office. After the construction of the new Senate wing of the Capitol the court was given the old Senate Chamber, which is fairly adequate for the needs of the court as far as a courtroom is concerned, but the accommodations for the justices, clerks, and other employees are very inadequate.

In the public building act of May 25, 1926, the Secretary of the Treasury was authorized to procure a site for a new Supreme Court Building, which was procured at a cost of about $1,760,000 and is the tract of land bounded by First Street NE., Maryland Avenue, Second Street, and East Capitol.

In the Seventieth Congress I introduced in the House of Representatives a bill to create a commission to be known as the United States Supreme Court Building Commission and authorizing them to procure plans and estimates for the construction of a building for the Supreme Court. This bill was introduced in the Senate by Senator HENRY W. KEYES, of New Hampshire. The House bill was passed by the House and Senate and approved by the President December 21, 1928.

The members on the United States Supreme Court Building Commission at this time are as follows: Charles Evans Hughes, Chief Justice of the United States; Willis Van Devanter, Associate Justice; Senator HENRY W. KEYES, chairman Senate Committee on Public Buildings and Grounds; Senator James a Reed, of Missouri; RICHARD N. ELLIOTT, chairman House Committee on Public Buildings and Grounds; FRITZ G. LANHAM, ranking minority member of the House Committee on Public Buildings and Grounds; and David Lynn, Architect of the Capitol.

The commission procured these plans and estimates and reported the same back to Congress with the recommendation that the building be authorized at a cost not to exceed $9,740,000.

A bill to carry out the recommendation of the commission was introduced by me in the House and by Senator HENRY W. KEYES in the Senate. This bill was passed by the House and Senate and approved by the President on December 20, 1929. It authorized the construction of the new courthouse.

ENLARGES CAPITOL GROUNDS

A bill was introduced in the Seventieth Congress by SIMEON D. FESS, Senator from Ohio, authorizing the appointment of a commission to enlarge the Capitol Grounds. This bill passed both the House and Senate and was approved by the President April 11, 1928.

The commission on enlarging the Capitol Grounds consists of the following members: Charles Curtis, Vice President of the United States; NICHOLAS LONGWORTH, Speaker of the House of Representatives; Senator HENRY W. KEYES, chairman of the Senate Committee on Public Buildings and Grounds; FRITZ G. LANHAM, ranking minority member of the House Committee on Public Buildings and Grounds; RICHARD N. ELLIOTT, chairman of the House Committee on Public Buildings and Grounds; Senator HENRY F. ASHURST, ranking minority member of the Senate Committee on Public Buildings and Grounds; Senator JOSEPH T. ROBINSON, minority leader of the United States Senate; JOHN N. GARNER, minority leader of the House of Representatives; and David Lynn, Architect of the Capitol.

This commission performed its work and submitted a detailed report to Congress with the recommendation for the enlarging of the Capitol Grounds. I introduced a bill in the House to carry out the recommendation of this commission. The same bill was introduced in the Senate by Senator HENRY W. KEYES, chairman of the Senate Committee on Public Buildings and Grounds. The bill passed both Houses and was approved by the President March 4, 1929. It was said to be the last official act of Calvin Coolidge, President of the United States. This bill authorized the appropriation of $4,912,414, or so much as may be necessary, to enable the commission to carry out the provisions of the act.

For many years the House Office Building has been inadequate for the needs of the Members of the House of Representatives. A bill to remedy this defect was introduced in the Seventieth Congress by FREDERICK W. DALLINGER, of Massachusetts. His bill provides for the construction of an annex to the House Office Building at a cost not to exceed $8,400,000. This bill passed the House and Senate and was approved by the President January 10, 1929.

TWO ROOMS FOR MEMBERS

A site has been acquired on the west side of New Jersey Avenue adjacent to the present House Office Building. When this building is

constructed it will enable all of the Members of the House of Representatives to have a 2-room office in which to carry on their work.

For many years there had been under consideration by various Presidents and Congresses the question of authorizing the construction across the Potomac River of a memorial bridge as a memorial to the reunited North and South. This bridge had been under consideration by President Andrew Jackson, who stated that he hoped to see a bridge with arches of enduring granite spanning the broad bosom of the Potomac River as a memorial to a reunited North and South. This matter was referred to by Senator Daniel Webster in his speech at the laying of the corner stone of the new Senate wing of the Capitol on July 4, 1851.

Many different bills had been introduced in Congress, and in the Sixty-eighth Congress one was introduced by FREDERICK H. GILLETT, of Massachusetts, Speaker of the House of Representatives, and by Senator Bert M. Fernald, of Maine, who was then chairman of the Senate Committee on Public Buildings and Grounds. The Senate bill passed and came to the House. I took charge of the bill as acting chairman of the House Committee on Public Buildings and Grounds. It was passed by the House and approved by President Coolidge February 24, 1925. This bill authorized the construction of the Arlington Memorial Bridge at a cost of not to exceed $14,750,000. The bridge is now nearing completion and when done will be a fitting and useful memorial to a reunited Nation, as well as the most commodious and beautiful bridge in the world.

TWO HUNDRED AND THIRTY MILLION DOLLARS IN BILL

Notwithstanding the fact that Congress had already passed large authorization bills for the construction of public buildings it was determined at the beginning of the Seventy-first Congress that these amounts would be inadequate to do the work contemplated, so a bill was introduced by me in the House of Representatives authorizing an additional $115,000,000 for the purchase of land and the construction of buildings within the city of Washington, and $100,000,000 for the construction of buildings in the States and Territories; and authorizing the whole program to be carried out at the rate of $50,000,000 annually, $15,000,000 to be expended in the District of Columbia and $35,000,000 in the States and Territories. The total amount in this bill was $230,000,000.

The bill was promptly passed by the House and sent to the Senate. Senator HENRY W. KEYES introduced the same bill in the Senate, but the House bill was taken up by the Senate and passed. The bill was approved by President Hoover March 31, 1930.

By reason of these various acts of Congress there has been authorized for purchase of lands and building construction the sum of $227,890,000 for the District of Columbia; there has been $363,000,000 authorized for public buildings in the States and Territories; this makes a total of $590,890,000.

This is not a wild orgy of money spending. It will take every dollar of this vast sum to provide the Federal Government with adequate buildings in which to house the Federal activities of our great Nation in the District of Columbia and in the several States and Territories.

While the Secretary of the Treasury and the Postmaster General are given the power to select places where these buildings are to be erected and to recommend to Congress the amounts necessary, every item has to be closely scrutinized by the Bureau of the Budget, the President of the United States, and the appropriations committees of the House and Senate, and passed by the House and Senate before a dollar of this money is available for construction purposes.

The Secretary of the Treasury, working with the Public Buildings Commission, has adopted a comprehensive plan for the construction of the great Government buildings in the National Capital, which will result in efficient homes for Uncle Sam's workers and will make the Capital the most beautiful in the world.

The foregoing is a history of the legislation that passed through the Committee on Public Buildings and Grounds of the House and Senate, was passed by Congress, and has become law.

CRAMTON BILL NOW LAW

Another very important piece of legislation which has passed the Congress is the Cramton bill, which authorizes the construction of a park on both sides of the Potomac River from Mount Vernon to Great Falls. It enables the District of Columbia, working in conjunction with the States of Maryland and Virginia, to preserve for posterity the beautiful scenery along the Potomac River and protect the Capital from undesirable, obnoxious business enterprises that might be built on the banks of this river.

Congress has also passed a bill establishing the Mount Vernon Boulevard leading from the end of the Arlington Memorial Bridge to Mount Vernon at a cost of about $5,000,000. This bill was sponsored by the Committee on Roads of the House and Senate. The Mount Vernon Boulevard will add much to the beauty of the National Capital and its environs.

Congress has already passed legislation to remove and relocate the Botanic Garden; and last but not least the District of Columbia has been authorized to construct a new civic center on the north side of Pennsylvania Avenue between Third and Sixth Street and extending northwardly to Louisiana Avenue and the courthouse. In this location will be placed the activities of the District government.

As a part of the work of the commission for enlarging the Capitol Grounds it has been authorized to extend a new boulevard from the Columbus Monument, in front of the Union Station, extended in a straight line to a point where it will intersect with Pennsylvania Avenue NW. at Second Street. All of the buildings and plots of ground owned by private individuals between this street and the present Capitol Grounds are to be taken over by the Federal Government, the buildings razed and the lands parked.

When the work is all done that is contemplated in these acts the people of the Nation can take pride in the fact that no capital in the world can surpass Washington for beauty or the usefulness of its Government buildings.

DIVISION OF TEXAS

Mr. GARNER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting a short statement made by the president of the Bar Association of Texas and other gentlemen on the subject of the division of Texas.

The SPEAKER. The gentleman from Texas asks unanimous consent to extend his remarks by inserting a statement made by the president of the Bar Association of Texas and statements by other gentlemen on the subject of the division of Texas. Is there objection?

Mr. SABATH. Reserving the right to object, Mr. Speaker, this is not a political division, but a territorial division.

Mr. GARNER. Yes; that is all.

The SPEAKER. Is there objection?

There was no objection.

Mr. GARNER. Mr. Speaker, a few weeks ago I called attention of the House to the fact that the State of Texas had it within its power, merely by act of its legislature, to divide the State into not to exceed four additional States, this power being granted by the joint resolution of Congress of March 1, 1845, under which the former Republic of Texas was annexed to the Union as the State of Texas.

It is true that the proposal to divide Texas is by no means of recent origin. In fact, it dates from the earliest days of the Texas revolution, when those heroes of Texas independence were battling for separation from Mexico while they cherished the hope that the rich empire they were seeking to bring under Anglo-Saxon dominion would eventually be incorporated into the Union, not as one star in the American flag but as a galaxy of stars.

As early as 1836, when Texas independence appeared assured, Stephen F. Austin, then secretary of state of the struggling republic, in his instructions to W. H. Wharton, minister plenipotentiary of Texas to the United States, indicated that he foresaw the future development of that great empire of Texas and the necessity which ultimately would arise for division. He instructed Wharton to urge upon the Government of the United States the advantages of Texas annexation. In those instructions he expressly set out that Texas would require that subdivision of the State be optional with the people of Texas. In his letter of instructions to Wharton, dated at Columbia, then the capital of Texas, on November 18, 1836, he said:

> In relation to the future subdivision of Texas into several States, the broad basis of equity upon which it is contemplated to unite this country with the United States, seems to require that all future subdivisions should be left entirely to the option and decision of the people of Texas, when the increase and extension of population should render it necessary for the public convenience or interest. The treaty stipulations agreeably to this principle should only extend to limiting the number or territorial extent of said new States hereafter to be formed, and guaranteeing their admission into the Union on an equal footing with the other States, when petitioned for by the Legislature of Texas in conformity with the Constitution and laws of the United States.

It was never the intention of the Republic of Texas that that area lying between the Red River and the Arkansas, then claimed by the republic, was to be included within this stipulation. Concerning this feature of the proposed treaty, Austin wrote to Wharton the following instructions:

> That no future subdivision of the territory of Texas south of Red River into a plurality of States or Territories shall ever be made except on the petition of the Legislature of Texas founded upon that of the people of the particular section of country which is to be erected into such new State or Territory. The country between the Red and Arkansas Rivers may be excepted from this stipulation, and relinquished to the United States in full, on terms that will be equitable to both parties.

The third provision of the second section of the joint resolution for the annexation of Texas to the United States, approved by President John Tyler, March 1, 1845, was as follows:

> New States of convenient size, not exceeding four in number, in addition to said State of Texas, and having sufficient population, may here-

after, by the consent of said State, be formed out of the territory thereof, which shall be entitled to entry under the provisions of the Federal Constitution.

On June 17, 1845, the Congress of the Texas Republic met in special session to consider the annexation resolution which had been submitted through diplomatic channels. The resolution was submitted to the committee on the state of the republic, composed of the following men, whose names will ever live in Texas history: J. W. Henderson, William Menefee, George Sutherland, M. T. Johnson, William T. Scott, and James Armstrong. The committee submitted its report to the house on June 22, 1845, and the following excerpt from that report shows conclusively the interpretation placed by the Texas Congress upon the language of that joint resolution passed by the Congress of the United States:

She (Texas) can, if this incubus of her debt is removed, then submit to such of a division of herself into new States, as may be compatible with her wishes, without the least hindrance, and thus add to her weight in the councils of the Nation.

Now, turn back the leaves of history a few years and ascertain the views of Sam Houston, hero of San Jacinto and later president of the Texas Republic. On February 25, 1844, Anson Jones, then secretary of state for the Texas Republic, forwarded instructions for Isaac Van Zandt, Texas chargé d'affaires at Washington, and J. Pinckney Henderson, special commissioner, to whom was delegated the authority to negotiate a treaty of annexation with the United States Government. These instructions unquestionably were prepared by President Sam Houston and forwarded through the regular channel, the State Department of the Republic. They were to the point and included the following language:

The first is the number of States into which the Territory of Texas shall be subdivided. It is presumable that in the settlements already made there is sufficient population to constitute one State, according to the requirements of the Federal Constitution, and that the remaining territory of the Republic is sufficiently large to constitute three more at a future period. You will therefore provide in the treaty for the ultimate creation of at least four States, and for their admission into the Union, so soon as the population of the respective territories of which they are to be composed shall be sufficient for that purpose, and in the meantime that territorial governments shall be established and maintained as circumstances and the wants of the people residing in those limits, respectively, may render proper and necessary.

These instructions indicate that President Houston not only demanded for Texas the privilege of division whenever the people of Texas believed such division to their interest but also recommended that they should be granted the privilege of organizing territories in the event the population of the respective sections was not sufficient to justify organization of States.

The extension of the privilege of division was one of the major factors precipitating the heated debates which shook the political foundations of the Nation during the two years annexation of Texas was under consideration. Even the New England Members, the great majority of whom opposed annexation, recognized that the vast domain of Texas and great variety and wide diffusion of natural resources ultimately would make division necessary from an economic as well as a political viewpoint. Senator Levi Woodbury, of New Hampshire, in an address on annexation, said:

It gives us enough additional territory for four or five large States immediately contiguous, and some of them, by their location on the ocean, with fine bays and immense rivers, virtually Atlantic States in their habits and intercourse; an increase of near a third of a million in our population; and a near and rich outlet for the overflowings of other States; swelling as they must in the next 50 years to more than most of the kingdoms of Europe in their mighty masses.

Senator Woodbury, however, was not speaking for annexation from purely philanthropic motives. He reflected the present-day ambitions of New England Senators who endeavor through tariff favors to maintain southern subserviency to northeastern industries. Senator Woodbury saw in the rich domain of Texas a wonderful field for New England exploitation, and the events of the past 90 years bear testimony to his rare political acumen.

Henry Clay also foresaw the ultimate division of Texas territory, and in a communication to the Senate on April 17, 1843, dealing with the question of the annexation treaty, stated:

The territory of Texas is susceptible of a division into five States of convenient size and form. Of these, two only would be adapted to those peculiar institutions (slavery) to which I have referred; and the other three, lying west and north of San Antonio, being only adapted to farming and grazing purposes, from the nature of their soil, climate, and productions, would not admit of those institutions. In the end, therefore, there would be two slave and three free States probably added to the Union.

Congress was not inveigled into granting to the people of Texas the privilege of dividing the State at any time they might determine it to their best interests to do so. Not only did the President and Congress of the Texas Republic demand that this right should be granted, but throughout the negotiations for eight years prior to annexation the right of division was emphasized as one of the conditions upon which Texas would accept annexation. President John Tyler, in his message to Congress in December, 1844, set this out clearly in the following language:

It is the will of both the people and the States that Texas shall be annexed to the Union promptly and immediately. It may be hoped that in carrying into execution the public will thus declare all collateral issues may be avoided. Future legislatures can best decide as to the number of States which should be formed out of the territory when the time has arrived for deciding that question.

There can be no controversy over this language. President Tyler sets out clearly that Congress should delegate to the State of Texas the authority to divide whenever the people of that State deemed division necessary or expedient, and this is exactly the interpretation that the Congress of the Texas Republic placed upon the joint resolution of the Congress of the United States.

I have presented these historical facts merely to outline the background of that joint resolution approved March 1, 1845, and to show beyond all possibility of successful contravention that Texas demanded, received, and still retains the privilege of State division whenever, in the opinion of the State legislature, such division would be to the best interests of the Commonwealth.

Many Texans who have given this subject of State division earnest consideration, who are cognizant of the economic as well as the political advantages which would accrue, not only to Texas but to the entire South and West through such action by the Texas Legislature, are urging that the right granted the State by Congress in 1845 be exercised. One of the best articles on this subject that has come to my attention was recently written by Judge W. M. Crook, of Beaumont, and published in the Beaumont Enterprise. Judge Crook is retiring president of the Texas Bar Association and for more than 20 years was chairman of the Texas Board of Commissioners on Uniform Laws and a former member of the General Council of the American Bar Association. Following is the text of his article:

By W. M. Crook

("Once to every man and nation comes a moment to decide." (Lowell).

"And statesmen at the council met who knew the season when to take occasion by the hand and make the bounds of freedom wider yet." (Tennyson.)

"Thais sits beside thee, take the goods the gods provide thee." (Dryden.)

I have been requested to advance in 750 words any reasons why a division of Texas would be advantageous to the citizens of the State. I assume that the average man will agree that the wholesome advantages he gets out of life for himself and secures for his posterity are a proper incentive.

Sentiment is a controlling factor in the decision of the question under consideration. People, for sentimental reasons, have deprived themselves and their families of the necessities of life to evidence, through a suitable monument, their love for a deceased relative. Sentiment is never a safe guide. It is one of the most abused attributes of our mentalities.

ORDINANCE QUOTED

An ordinance of the Republic of Texas, signed by Thomas J. Rusk, President, ratifying the resolution of the Congress of the United States of America, and approved by the President in March, 1845, provided that:

"New States of convenient size, not exceeding four in number, in addition to said State of Texas, and having a sufficient population, may hereafter, by consent of said State, be formed out of the territory thereof, and which shall be entitled to admission under the provisions of the Federal Constitution."

It is due to the authors of the plan to divide Texas to credit to them both foresight and patriotic sentiment. The population of Texas in 1845 was less than that of some of the individual counties in the State at this time. Now that the population of Texas is approximately twice that of the United States at the time when the Federal Constituion was adopted, it is reasonable to suppose that the authors of this division idea would, if here, think that the time had arrived for a division.

The State at the time of its admission into the Union was essentially an agricultural and grazing community. The grazing interests are now

outranked by agriculture, mining, and manufacture. The diversity of interest of the various sections is continually in evidence. Inequalities in governmental benefits and taxation are everywhere admitted.

PANHANDLE "YANKEES"

The pleasantry which credits the people of the Brownsville section as designating those of the Panhandle as "damn Yankees," while the people of El Paso refer to those of east Texas as "effete easterners," is more than a joke and measures the vast difference in material interests between these sections. Wise government, local, State, or national, is a condition precedent to prosperity.

The political authorities, whether called by one title or another, control the destinies of their people, either for weal or woe. Under political favoritism, the comparatively unproductive areas of our extreme north have accumulated a wealth compared to which that of the naturally more favored areas of the country is insignificant. Hundreds of millions of dollars are loaned to the people of this section by financial institutions of the Northeastern States, many practically without natural resources. A group of 12 Northeastern States, representing an area less than the size of Texas, namely, Maine, New Hampshire, Vermont, Connecticut, Massachusetts, Rhode Island, New York, Pennsylvania, New Jersey, Delaware, Maryland, and West Virginia, have 24 Representatives in the United States Senate, compared to our 2, and have 154 representatives in the electoral college as compared to our 20.

On division into five States, we would still be at a disadvantage of having only 10 Senators as compared to 24 for less than the same area, and we would have 30 representatives in the electoral college instead of 20 at present. From this it is apparent that this area would hold the balance of power in both the United States Senate and the election of the President. The incalculable advantage of this is immediately apparent.

PRESTIGE FOR TEXAS

What Texas and the South experienced in prestige in the Wilson administration would be an everyday fact in government if we had eight more Senators. The taxing power of the Congress has made and unmade and can still make and unmake entire sections of the United States. The power of the Congress to regulate commerce and to provide for and distribute public institutions and improvements is of tremendous value for particular sections of the country. If it should appear that there was a serious prospect of a division of this State, the largest political fund that was ever raised in the history of the United States would possibly be raised by outside interests to defeat the culmination of such a proposal.

An argument against the division of the State is the expense of providing individual capitols and the overhead of five sets of government machinery. Another is the disposition of the State university and its lands.

NEW STATE CAPITOLS

The first objection will be met largely by the greatly reduced governmental personnel in the legislatures of the new States and in reduced areas affected, with economy in administration due to more compact interests. The cost of administration buildings would not be of major concern. No one can doubt that the city of Houston is ready, able, and willing to build a State capitol as a consideration that it should be made the capital city of a State. The same thing could be said of Amarillo, San Angelo, or Dallas.

As for the university, an educational institution is not part of the machinery of government, and the constitutions of the divided areas could provide for one central university, located at Austin, owned by, and its expenses participated in, by the several States. As far as the technical difficulties concerning the division of the territory are concerned, statesmen could work them out as they have always been able to do.

Texas is, I believe, developing more rapidly than any State in the Union. With its population nearing the 6,000,000 mark, its production of wealth increasing with tremendous strides, the vast domain is to-day fulfilling all the most optimistic prophecies of those heroic friends of liberty to whom we are indebted for Texas independence and final inclusion among the States of the Union. Commenting upon this tremendous growth, which I believe is each year bringing nearer the consummation of the purpose of those who made it possible for Texas to divide upon its own volition, the St. Louis Post-Dispatch recently published the following editorial:

PÆAN TO THE SOUTHWEST

The census points its prophetic finger to the Southwest.

It tells us that Dallas has a population of 260,000; that Houston alone of the larger cities has more than doubled its 1920 figure of 138,000, and is now the first city of Texas; that Amarillo, in the remote reaches of the Panhandle, has leaped from a huddle of shacks to the assertiveness of reinforced concrete and 43,000. Fort Worth, Galveston, and San Antonio, not yet in the returns, will carry on the marching story.

Associated with Texas in that geographical expression, the Southwest, is Oklahoma. Born in 1889 in the thunder of flying heels, its capital, Oklahoma City, which had 91,000 10 years ago, reports 182,000, leaving Tulsa in second place with 140,000 and Ponca City, in many respects the fulfillment of the city planner's dream, a distinguished third.

The history of the Southwest, productively, might be told in three words—cattle, cotton, oil—and the greatest of these is oil. The cowboy on his mustang was succeeded by the planter in his motor car and now the princes of petroleum swing across the spaces in airplanes.

All of these larger cities of the Southwest have their individual characteristics, as Will Irwin has interestingly observed. Dallas, dignified, mature, with the superiority of tradition reveals the conservative eastern mood. Houston is unmistakably southern. San Antonio, dining al fresco under tropical skies, has the Spanish carnival spirit, reminding Irwin of the San Francisco that was. Fort Worth booms along with western swagger, "seasoning its breakfast in oil." El Paso washes its hands in the United States, its feet in Mexico. There is a tint of Indian color in Tulsa, and Oklahoma City, one might say, is a cosmopolitan daughter of the prairies.

Oil has transformed them all. What of that day somewhere on the calendar when the oil is gone? The Southwest is already laying the foundation of its industrial future. The cities are even now engaged "in the battle of the smokestacks." Their manufacturing to-morrow will presently dawn. The cotton mill is inevitable. Texas, of course, leads the world in cotton, with Oklahoma practically a 1,000,000-bale State.

And, after oil, Oklahoma's coal and the lignite of Texas assure endless fuel which the magic of chemistry will transmute into an inexhaustible source of gasoline. The Rio Grande Valley even now is issuing a citrus challenge to Florida and California. Texas strawberries decorate the Christmas markets of the North, and grapefruit orchards flourish where a little while ago were miles of mesquite. Agriculturally, the Southwest has everything. Ships come up to Houston's back yard, which, with Galveston, "sends to sea a greater bulk of freight than even magnificient New York."

Texas, as everyone knows, is literally an empire and as such must dictate in a large way not only our industrial history but also our political destiny. Its area of 235,000 square miles is equal to four New Englands. Its partition into five States was recently, and seriously, advocated by Representative GARNER, Democratic floor leader in the House. Lone Star sentiment will not now harken to such heresy; but the political realities, as presented by GARNER, must ultimately prevail. Divided into five States, each of an area greater than that of 23 States, including New York, each with a population equivalent to that of Maryland or West Virginia, Texas would have 10 Senators instead of two, and the voice of senatorial authority would be spoken in the accents of the Southwest. The necessities of local government plus its proportionate and necessary share in the Federal field forecast the carving of Texas.

PERMISSION TO A COMMITTEE TO SIT DURING THE SESSIONS OF THE HOUSE

Mr. LaGUARDIA. Mr. Speaker, by direction of the Committee on the Judiciary, I ask unanimous consent that the Committee on the Judiciary may sit during the sessions of the House on Wednesday, having a public hearing on the unemployment bill.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

COAST GUARD PENSIONS

Mr. KNUTSON. Mr. Speaker, I ask unanimous consent for the present consideration of the bill H. R. 12099. It is a bill to pension those who have become disabled while in the Coast Guard Service, and their widows and orphans. The bill will entail a charge of about $30,000 a year on the Public Treasury.

Mr. STAFFORD. Mr. Speaker, that bill will be in order to-day. It is on the Consent Calendar. Why should it be considered out of order?

Mr. KNUTSON. Is the gentleman sure it will be reached to-day?

Mr. STAFFORD. I am quite sure it will be reached.

Mr. KNUTSON. Then, upon the gentleman's assurance, I withdraw my request.

TAXATION OF LANDS UNDER RECLAMATION ACT

Mr. LEAVITT. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill 4318 and consider the same. A similar bill is on the House Calendar.

The SPEAKER. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (S. 4318) to amend the act entitled "An act to permit taxation of lands of homestead and desert-land entrymen under the reclamation act," approved April 21, 1928, so as to include ceded lands under Indian irrigation projects.

Mr. CHINDBLOM. Is the House bill on the House Calendar?

The SPEAKER. Yes.

Mr. GARNER. May I inquire if a similar bill has been reported from the Committee on Indian Affairs?

Mr. LEAVITT. It has been reported from the Committee on Reclamation.

Mr. GARNER. Was a unanimous report made at a full meeting of the committee?

Mr. LEAVITT. Yes. The House bill is on the House Calendar. The Senate bill has already passed the Senate.

The SPEAKER. The Chair has examined the two bills and finds that they are similar. While there is an amendment, the Chair regards the change as immaterial. The Clerk will report the bill.

The Clerk read as follows:

S. 4318

A bill to amend the act entitled "An act to permit taxation of lands of homestead and desert-land entrymen under the reclamation act," approved April 21, 1928, so as to include ceded lands under Indian irrigation projects

Be it enacted, etc., That the act entitled "An act to permit taxation of lands of homestead and desert-land entrymen under the reclamation act," approved April 21, 1928, is amended to read as follows: "That the lands of any homestead entryman under the act of June 17, 1902, known as the reclamation act, or any act amendatory thereof or supplementary thereto, and the lands of any entryman on ceded Indian lands within any Indian irrigation project, may, after satisfactory proof of residence, improvement, and cultivation, and acceptance of such proof by the General Land Office, be taxed by the State or political subdivision thereof in which such lands are located in the same manner and to the same extent as lands of a like character held under private ownership may be taxed.

"SEC. 2. The lands of any desert-land entryman located within an irrigation project constructed under the reclamation act and obtaining a water supply from such project, and for whose land water has been actually available for a period of four years, may likewise be taxed by the State or political subdivision thereof in which such lands are located.

"SEC. 3. All such taxes legally assessed shall be a lien upon the lands and may be enforced upon said lands by the sale thereof in the same manner and under the same proceeding whereby said taxes are enforced against lands held under private ownership; but the title or interest which the State or political subdivision thereof may convey by tax sale, tax deed, or as a result of any tax proceeding shall be subject to a prior lien reserved to the United States for all due and unpaid installments on the appraised purchase price of such lands and for all the unpaid charges authorized by law whether accrued or otherwise. The holder of such tax deed or tax title resulting from such tax shall be entitled to all the rights and privileges in the land of an assignee of such entryman on ceded Indian lands or of an assignee under the provisions of the act of June 23, 1910, as amended, or of any such entries in a Federal reclamation project constructed under said act of June 17, 1902, as supplemented or amended.

"SEC. 4. If the lands of any such entryman shall at any time revert to the United States for any reason whatever, all such liens or tax titles resulting from assessments levied after the date of this amendatory act upon such lands in favor of the State or political subdivision thereof wherein the lands are located, shall be and shall be held to have been, thereupon extinguished; and the levying of any such assessment by such State or political subdivision shall be deemed to be an agreement on its part, in the event of such reversion, to execute and record a formal release of such lien or tax title."

Mr. LAGUARDIA. Mr. Speaker, does not the gentleman from Montana think we are establishing a very bad precedent to permit local taxation of land the title of which is still in the United States Government? I understand this permits it.

Mr. LEAVITT. This same provision already affects all the Federal reclamation projects which are not on the Indian reservations, through an act of Congress passed a few years ago. This bill only changes that existing law to make it apply on the same conditions to similar lands which happens to be within Indian reservations.

Mr. LAGUARDIA. Suppose the United States Government is compelled to foreclose by reason of the fact that the payments have not been made by the grantees and it should tax the land and subsequently sell it again, would the purchaser be liable for all the back taxes?

Mr. LEAVITT. No. The original law did not protect that condition. But this bill includes a provision to the effect that if the Federal Government has to take back title all charges against the lands in favor of the local government shall be wiped out.

Mr. LAGUARDIA. Then it is the legislative intent that the purchaser of a State or local tax lien buys with notice that if the Federal Government steps in and forecloses he is wiped out entirely? Is that correct?

Mr. LEAVITT. That is correct.

The SPEAKER. The question is on the third reading of the Senate bill.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the Senate bill was passed was laid on the table.

The similar House bill was laid on the table.

JOHN ERICSSON

Mr. KNUTSON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting a few thoughts on John Ericsson.

The SPEAKER. The gentleman from Minnesota [Mr. KNUTSON] asks unanimous consent to extend his remarks by printing an address of his on John Ericsson. Is there objection?

There was no objection.

Mr. KNUTSON. Mr. Speaker, I have pending before the Committee on Public Buildings and Grounds a resolution to name the new memorial bridge to Arlington after that great patriot and human benefactor, John Ericsson, who, next to Lincoln and Grant, did more than any other man to save the Union, and many Americans are exceedingly anxious to have the bridge so named; also to name the boulevard approach to the bridge the Ericsson Boulevard.

Mr. Speaker, I feel that the great services rendered by John Ericsson have not been adequately recognized in the Nation's Capital. True, there is a beautiful statue of that great man in Potomac Park which is a shrine for all patriotic Americans, but it is not in keeping with the outstanding service he rendered our country in those dark days when the integrity of the Republic was threatened.

It was he who devised the *Monitor* which enabled the North to maintain the blockade, and win the war; he also invented the turret for large guns and his invention of the screw propeller drew the farthermost corners of the earth together so that they are but days apart where they had been weeks and months from each other. These, and many more, were his contributions to mankind.

Let us appropriately honor this great man and benefactor by naming the new memorial bridge the John Ericsson Bridge. To do so would be most fitting, for it was he who provided the means for holding North and South together in one grand and glorious country, and as the bridge is a connecting link between North and South, what I propose would be most fitting.

HOMESTEAD ENTRY, SOLDIERS, SAILORS, AND MARINES

Mr. COLTON. Mr. Speaker, I call up a conference report on the resolution (H. J. Res. 181) to amend a joint resolution entitled "Joint resolution giving to discharged soldiers, sailors, and marines a preferred right of homestead entry," approved February 14, 1920, as amended January 21, 1922, and as extended December 28, 1922.

The Clerk read the title of the joint resolution.

Mr. COLTON. Mr. Speaker, I ask unanimous consent that the statement may be read in lieu of the report.

The SPEAKER. The gentleman from Utah asks unanimous consent that the statement may be read in lieu of the report. Is there objection?

There was no objection.

The Clerk read the statement.

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the joint resolution (H. J. Res. 181) to amend a joint resolution entitled "Joint resolution giving to discharged soldiers, sailors, and marines a preferred right of homestead entry," approved February 14, 1920, as amended January 21, 1922, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 1 and 2, as follows: (1) Page 2, line 9, after "war," insert ", military occupation, or military expedition"; (2) page 2, line 15, after "*Provided*," insert "That for the purposes of this resolution, the war with Spain shall be considered to include the period from April 21, 1898, to July 4, 1902: *Provided further*"; and agree to the same.

DON B. COLTON,
ADDISON T. SMITH,
JOHN M. EVANS,
Managers on the part of the House.

GERALD P. NYE,
T. J. WALSH,
JOHN B. KENDRICK,
Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the joint resolution (H. J. Res. 181) to amend a joint resolution entitled "Joint resolution giving to discharged soldiers, sailors, and marines a preferred right of homestead entry," approved February 14, 1920, as amended January 21, 1922, submit the following written statement explaining the effect of the action agreed on by the conference committee and submitted in the accompanying conference report:

The amendment No. 1 is inserted for the purpose of extending the privileges of the House joint resolution to all who have participated in any military occupation or military expedition and have been honorably discharged from the Regular Army or Naval Reserve. It is believed that this class of ex-service men should be given the benefits of this legislation.

The amendment No. 2 fixes the period of the war with Spain to conform with that which has been established by the pension laws.

DON B. COLTON,
ADDISON T. SMITH,
JOHN M. EVANS,
Managers on the part of the House.

The conference report was agreed to.

CUSTER NATIONAL FOREST

Mr. COLTON. Mr. Speaker, I call up a conference report on the bill (H. R. 6130) to exempt the Custer National Forest from the operation of the forest homestead law, and for other purposes.

The Clerk read the title of the bill.

Mr. COLTON. Mr. Speaker, I ask unanimous consent that the statement be read in lieu of the report.

The SPEAKER. The gentleman from Utah asks unanimous consent that the statement be read in lieu of the report. Is there objection?

There was no objection.

The Clerk read the statement.

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6130) to exempt the Custer National Forest from the operation of the forest homestead law, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 1, "*Provided, however*, That the Secretary of Agriculture may, in his discretion, list limited tracts when in his opinion such action will be in the public interest and will not be injurious to other settlers or users of the National Forest," and agree to the same.

DON B. COLTON,
ADDISON T. SMITH,
JOHN M. EVANS,
Managers on the part of the House.
GERALD P. NYE,
T. J. WALSH,
JOHN B. KENDRICK,
Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6130) to exempt the Custer National Forest from the operation of the forest homestead law, and for other purposes, submit the following written statement explaining the effect of the action agreed on by the conference committee and submitted in the accompanying conference report:

The amendment is one suggested by the Secretary of Agriculture. Its result will be to leave some slight discretion to the Secretary of Agriculture in listing small tracts of land within the Custer Forest for homestead entry, when it can be done without harm to the users of the forest, and when it seems necessary in connection with existing claims. The amendment was submitted by Senator T. J. WALSH to local people directly affected and who are interested in the enactment of this legislation, and it has their agreement.

DON B. COLTON.
ADDISON T. SMITH.
JOHN M. EVANS.
Managers on the part of the House.

The conference report was agreed to.

PERMISSION TO ADDRESS THE HOUSE

Mr. LAGUARDIA. Mr. Speaker, by unanimous consent, time was allotted to me which I waived by reason of the change in program. I ask unanimous consent that on to-morrow, after the reading of the Journal and the conclusion of matters on the Speaker's table, I be permitted to address the House for 30 minutes.

The SPEAKER. The gentleman from New York [Mr. LAGUARDIA] asks unanimous consent that on to-morrow, after the conclusion of matters on the Speaker's table, he be permitted to address the House for 30 minutes. Is there objection?

There was no objection.

Mr. FISH. Mr. Speaker, there was 10 minutes also accorded me to-day, which I waived. I ask unanimous consent that I be permitted to address the House to-morrow for 10 minutes following the address of the gentleman from New York [Mr. LAGUARDIA].

The SPEAKER. The gentleman from New York [Mr. FISH] asks unanimous consent that at the conclusion of the address of the gentleman from New York [Mr. LAGUARDIA] he be permitted to address the House for 10 minutes. Is there objection?

Mr. CRAMTON. Reserving the right to object, 30 minutes and 10 minutes are 40 minutes. This can easily run into a half day. There is an appropriation bill to be considered later in the week. To-morrow is set aside for the Consent Calendar. There are two or three hundred bills that have not yet been called. I will not object to the request, but I do not see why I should have all the responsibility.

The SPEAKER. Is there objection?

There was no objection.

Mr. DYER. Will the gentleman from Michigan yield?

Mr. CRAMTON. I yield.

Mr. DYER. I will state that my colleague [Mr. HOPKINS] had a special order for to-day, which was waived because other business was coming on. If the Consent Calendar is to be considered to-morrow, I would not ask permission for my colleague to speak; but, pending that, I would ask unanimous consent that my colleague [Mr. HOPKINS] be permitted to address the House for the time which was allotted him to-day, with the understanding that if the Consent Calendar is being considered I will ask to have the order vacated.

The SPEAKER. The gentleman from Missouri [Mr. DYER] asks unanimous consent that at the conclusion of the address of the gentleman from New York [Mr. FISH] his colleague [Mr. HOPKINS] be permitted to address the House. Is there objection?

Mr. CRAMTON. Mr. Speaker, reserving the right to object, it is my understanding that to-morrow has already been set aside for the Consent Calendar.

The SPEAKER. No; it has not.

Mr. CRAMTON. Then the understanding as to both of these requests is that if the Consent Calendar is on call to-morrow, the orders will go over?

Mr. LAGUARDIA. I have already made my request contingent upon that.

The SPEAKER. Is there objection to the request of the gentleman from Missouri [Mr. DYER]?

There was no objection.

VETERANS' RELIEF

Mr. RANKIN. Mr. Speaker, I ask unanimous consent to address the House for five minutes.

The SPEAKER. The gentleman from Mississippi [Mr. RANKIN] asks unanimous consent to address the House for five minutes. Is there objection?

Mr. CRAMTON. Reserving the right to object, and I have no idea of objecting to this request, we have had some difficulty about the Consent Calendar, and I shall feel obliged to object to other requests for speeches to-day.

The SPEAKER. Is there objection?

There was no objection.

Mr. RANKIN. Mr. Speaker, I have no desire to interfere with any of the bills now on the Consent Calendar. On Friday, when I was attempting to hold up consideration of the Consent Calendar, it was with no view of interfering with the passage of any of those bills.

But, Mr. Speaker, it is being stated in the press daily that those in charge of the administration are preparing to adjourn this Congress sine die within the next 10 days, which would probably mean the death of the veterans' bill.

The membership knows I have been fighting since January for the passage of the veterans' bill, for the relief of uncompensated veterans of the World War. That bill is now before the Finance Committee of the Senate. It passed this House more than six weeks ago by a vote of more than 6 to 1. The Senate committee, I understand, has already adopted the Rankin amendment, for which the boys have been pleading these many

months. It will be brought to the floor of the Senate, I am told, in a few days, and whenever it is it will be passed by an overwhelming majority.

Then it will go to the White House. It is stated freely in the press, and in the administration mouthpiece, the Washington Post, it was editorially predicted this morning that the President would veto it. If he does, of course we are going to try, and I think try successfully, to override the veto. Do not forget that the ex-service men throughout the country know that if you adjourn this Congress and leave that bill on the doorsteps of the President, he can pigeonhole it, veto it in that way, and kill it for all time. Every vote that is cast to adjourn this Congress until that bill is finally disposed of and given a chance, if passed, to go to the White House and back—every vote, I say, to adjourn this Congress until that opportunity is given, will be construed by the ex-service men to be a vote against veterans' relief.

I hold in my hand a letter from one of the men in the National Soldiers' Home in Wisconsin, in which he states:

About a dozen of the 81 signers of petitions sent you February 10 this year are dead.

They are dying at the rate of about 72 a day. They are appealing to Congress to pass this legislation in order that we may do justice to those men who are suffering as a result of their disabilities, many of which were incurred in the World War.

I want to serve notice now that I am going to use every legitimate means in my power to prevent Congress from adjourning until that bill is passed [applause], goes to the White House, and receives the President's signature, or until it comes back and the Senate and the House given an opportunity to vote on the veto if the President should veto it. If you sustain the veto, the responsibility is yours, but I want to say to you now that we are going to fight any adjournment resolution or any attempt to set a date to adjourn this Congress until that bill is passed or defeated in the Senate, and, if passed, given time to go to the White House, receive the consideration of the President and come back here to receive our final vote, if the President should veto it. And any vote to adjourn this Congress or to set a day for final adjournment before this measure is finally disposed in the manner I have just indicated will be a vote against veterans' relief. [Applause.]

PERMISSION TO ADDRESS THE HOUSE

Mr. SIROVICH. Mr. Speaker, I ask unanimous consent to address the House on Wednesday for 30 minutes, after the reading of the Journal and disposition of matters on the Speaker's table.

The SPEAKER. The gentleman from New York asks unanimous consent that on Wednesday, after the reading of the Journal and disposition of matters on the Speaker's table, he may be permitted to address the House for 30 minutes. Is there objection?

Mr. STAFFORD. Mr. Speaker, reserving the right to object, Wednesday is the day set aside for the consideration of bills reported from the Committee on Military Affairs. The gentleman has informed me that he will not be in the city, perhaps, on Thursday, and will not be in readiness to-morrow, so necessarily I feel inclined to have his request granted, but I do not feel this should be taken as an example for the granting of further time on Wednesday. I will not make any objection in this instance.

The SPEAKER. Is there objection?

There was no objection.

ADMISSION TO THE UNITED STATES OF CHINESE WIVES OF CERTAIN AMERICAN CITIZENS

Mr. DYER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table Senate bill 2836, to admit to the United States Chinese wives of certain American citizens, a similar bill having been reported by one of the House committees.

The SPEAKER. The gentleman from Missouri asks unanimous consent to take from the Speaker's table Senate bill 2836 and consider the same, a similar House bill being on the calendar. The Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That subdivision (c) of section 13 of the immigration act of 1924, approved May 26, 1924, as amended, is amended by striking out "or" before "(3)," and by inserting after "section 3" the following: "or (4) is the Chinese wife of an American citizen who was married prior to the approval of the immigration act of 1924, approved May 26, 1924."

The SPEAKER. Is there objection?

Mr. GARNER. Mr. Speaker, reserving the right to object, what committee reported this bill?

Mr. DYER. The Committee on Immigration reported it unanimously.

Mr. GARNER. Where are the members of the committee? Did the gentleman talk with the gentleman from Texas [Mr. Box]?

Mr. DYER. I will state to the gentleman that I talked with the gentleman from Texas with reference to calling up the bill in this way.

Mr. GARNER. Is it satisfactory to him?

Mr. DYER. It is satisfactory to all the members of the committee.

Mr. GREEN. Mr. Speaker, reserving the right to object, this bill provides for the bringing in of Chinese wives of American citizens, does it not?

Mr. DYER. I will state to the gentleman from Florida that when the immigration act was changed in 1924, and as construed a year later by the Supreme Court, it excluded the Chinese wives of American citizens. At the time there were a number of Chinese wives of American citizens in China and a number were on their way to the United States. Some of them are here now under bond to return, and they have raised families. It would be most unjust to return them to China. This does not involve a great number of wives and it is to protect and keep together families. It only applies to those that were married prior to May 26, 1924.

Mr. GREEN. We have enough extractions, foreigners, and foreign colors in this country. I object.

Mr. JOHNSON of Washington. Will the gentleman withhold his objection?

Mr. GREEN. I will withhold it.

Mr. JOHNSON of Washington. Here is the situation: When the immigration act of 1924 was passed it excluded the nationals of certain countries from coming into the United States because of ineligibility to citizenship. Among those were the wives of American citizens of Chinese extraction. Many of these were on board ships bound for the United States.

Every equity ought to let them come in, and the Labor Department and State Department did let them land under bond. Most of them are still here under bond. They should be admitted regularly. It was one of those things which the committee could not think of at the time. There are some other wives of American citizens married prior to 1924—not so many. This is not the bill the gentleman has in mind, which is still in committee, and which permit American citizens of Chinese ancestry to go to China, get wives, and return with them. I know the gentleman's views quite well, and I am in sympathy with him on the general plan for a homogeneous people in the United States as far as is now possible after the mistakes of 150 and 200 years ago, but a nation of 120,000,000 can easily assimilate these additional wives of certain citizens, who should have their rights. I hope the gentleman will withdraw his objection.

Mr. GREEN. Are they already here?

Mr. DYER. They are here now, many of them, and have children.

Mr. GREEN. If they are already here, I shall not object.

The SPEAKER. Is there objection?

There was no objection.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

A similar House bill was laid on the table.

Mr. DYER. Mr. Speaker, just a word as to this legislation. This bill, H. R. 12379, similar to a Senate bill that has passed the Senate, and which has been substituted for it, is not entirely satisfactory. It only takes care of the situation in part. I hope at a later date to have my original bill enacted into law, and which provides that these American citizens can bring their Chinese wives to this country at any time, whether already married or are married to them in the future. It seems to me most cruel to an American citizen to have it otherwise. This legislation has been before Congress for several years. It was brought to our attention by the Chinese-American Citizens Alliance, an organization composed of citizens of the United States of the Chinese race. I do not think that the Congress intended to exclude Chinese wives of American citizens when it passed the immigration act of May 26, 1924, but since the Supreme Court has decided that law does exclude them there is nothing to do but to cure the defect by legislation. This is the start.

INTEREST ON TRUST FUNDS OF INDIAN TRIBES

The SPEAKER. The Clerk will call the Consent Calendar, beginning at the star.

The first business on the Consent Calendar was the bill (H. R. 11782) to amend the act approved February 12, 1929, authoriz-

ing the payment of interest on certain funds held in trust by the United States for Indian tribes.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER. The Chair's attention is called to the fact there is a Senate bill on the same subject.

Mr. LEAVITT. Mr. Speaker, I ask unanimous consent that a similar Senate bill (S. 4203) may be considered.

The SPEAKER. Is there objection to the request of the gentleman from Montana?

There was no objection.

The Clerk read the Senate bill, as follows:

Be it enacted, etc., That the act approved February 12, 1929 (44 Stat. 1164), entitled "An act to authorize the payment of interest on certain funds held in trust by the United States for Indian tribes," be, and the same is hereby, amended so as to read as follows:

"That all funds with account balances exceeding $500 held in trust by the United States and carried in principal accounts on the books of the Treasury Department to the credit of Indian tribes, upon which interest is not otherwise authorized by law, shall bear simple interest at the rate of 4 per cent per annum.

"SEC. 2. All tribal funds arising under the act of March 3, 1883 (22 Stat. 590), as amended by the act of May 17, 1926 (44 Stat. 560), now included in the fund 'Indian Money, Proceeds of Labor,' shall, on and after July 1, 1930, be carried on the books of the Treasury Department in separate accounts for the respective tribes, and all such funds with account balances exceeding $500 shall bear simple interest at the rate of 4 per cent per annum from July 1, 1930.

"SEC. 3. The amount held in any tribal fund account which, in the judgment of the Secretary of the Interior, is not required for the purpose for which the fund was created, shall be covered into the surplus fund of the Treasury; and so much thereof as is found to be necessary for such purpose may at any time thereafter be restored to the account on books of the Treasury without appropriation by Congress.

"SEC. 4. The interest accruing on Indian tribal funds under this act shall be subject to the same disposition as prescribed by existing law for the respective principal funds."

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

A similar House bill was laid on the table.

WILLACY COUNTY TEX.

The next business on the Consent Calendar was the bill (H. R. 11050) to transfer Willacy County in the State of Texas from the Corpus Christi division of the southern district of Texas to the Brownsville division of such district.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That Willacy County, in the State of Texas, is hereby detached from the Corpus Christi division of the southern judicial district of the State of Texas, and attached to and made a part of the Brownsville division of the southern judicial district of such State: *Provided*, That no civil or criminal cause commenced prior to the enactment of this act shall be in any way affected by it.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

CASA GRANDE RUINS NATIONAL MONUMENT

The next business on the Consent Calendar was the bill (H. R. 11370) to authorize the use of a right of way by the United States Indian Service through the Casa Grande Ruins National Monument in connection with the San Carlos irrigation project.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER. The Chair is informed there is a similar Senate bill.

Mr. LEAVITT. Mr. Speaker, I ask unanimous consent that the Senate bill, S. 4085, may be considered in lieu of the House bill.

The SPEAKER. Is there objection to the request of the gentleman from Montana?

There was no objection.

The Clerk read the Senate bill, as follows:

Be it enacted, etc., That for the purpose of carrying out the San Carlos project the Secretary of the Interior is hereby authorized to use a right of way for an irrigation canal across the northeast quarter northeast quarter section 16, township 5 south, range 8 east, Gila and Salt River meridian, within the Casa Grande Ruins National Monument, Ariz., to the extent of the ground occupied by such canal and not to exceed 50 feet on each side of the marginal limits thereof.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

A similar House bill was laid on the table.

COLLECTIONS FROM INDIANS IN THE UNITED STATES

The next business on the Consent Calendar was the bill (H. R. 11429) to regulate collections from Indians in the United States.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. LEAVITT. Mr. Speaker, this bill is one that was sent to the Committee on Indian Affairs from the Department of the Interior for introduction. I have had a later communication from the Secretary of the Interior, within the last two or three days, suggesting that the bill should be given further consideration, and I ask unanimous consent that the bill may be returned to the Committee on Indian Affairs.

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, I doubt whether the Indian Affairs Committee really has jurisdiction over the subject matter. I think the end that is sought to be attained is laudable and necessary, but a casual reading of the bill would indicate that a bill so highly penal in its character should be referred to the Committee on the Judiciary of the House. I make this as a suggestion at this time.

Mr. LEAVITT. Of course, bills of this kind are referred to the Committee on Indian Affairs under the rules.

The SPEAKER. Is there objection to the request of the gentleman from Montana?

There was no objection.

COLLECTION OF PENALTIES AND FEES FOR STOCK TRESPASSING ON INDIAN LANDS

The next business on the Consent Calendar was the bill (H. R. 11783) to authorize the collection of penalties and fees for stock trespassing on Indian lands.

The Clerk read the title to the bill.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That any person owning or having in his charge or possession any horses, mules, cattle, goats, sheep, or swine, or any such animals, and who permits such stock to range and feed on any restricted individual Indian lands or Indian tribal lands without the consent of the superintendent or other officer in charge thereof or otherwise trespass thereon, shall be liable to a penalty of $1 for each such animal, together with an amount equal to the annual grazing fee therefor in lieu of damages, and the cost of rounding up and caring for the animal and collecting the amount due.

SEC. 2. The superintendent in charge of any Indian or Indian tribe is authorized to seize and hold all stock found on lands under his jurisdiction in violation of the above provision, pending payment of the penalty herein authorized. Stock not claimed by the owner, after proper advertising, shall be disposed of and the funds derived therefrom handled and disposed of under such regulations as the Secretary of the Interior may prescribe: *Provided*, That any funds received from the sale of unclaimed stock in excess of the penalty prescribed shall be held in such manner that any person submitting proof of ownership of any such stock within a period of six months from the date of sale may receive such excess funds derived from the sale of his stock.

SEC. 3. Section 179, title 25, United States Code, 1926, is hereby repealed.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

LEGISLATIVE EXPENSES, TERRITORY OF HAWAII

The next business on the Consent Calendar was the bill (H. R. 10657) to amend section 26 of the act entitled "An act to provide a government for the Territory of Hawaii," approved April 30, 1900, as amended.

The Clerk read the title to the bill.

The SPEAKER. Is there objection?

Mr. CRAMTON. Reserving the right to object, the Delegate from Hawaii, because of illness, is not able to be present. I have discussed the bill with him and have an amendment to clarify its purpose which is agreeable to him. He has asked me to present it.

With this amendment the bill will mean that we pay the amount stated here for the mileage and per diem for the Hawaiian Legislature, but we will not pay anything for a special session, and the Federal Treasury will not be responsible for any legislative expenses other than the mileage and per diem.

Mr. GREENWOOD. This bill provides that it shall be paid out of the United States Treasury. Ought it not to be paid out of the Hawaiian treasury?

Mr. CRAMTON. No; we already made the payment out of the Federal Treasury. We make similar payments such as this will be for the Legislature of Alaska. It has been customary for us to do these things, but when we make the payment provided for here we will have gone as far as our general custom would seem to warrant.

Mr. GREENWOOD. The amendment changes the lump sum to a per diem salary.

Mr. CRAMTON. No; we do not make any change as to salary for the regular session, but we do provide that the $500 for the special session instead of coming out of the Federal Treasury shall come out of the Territorial treasury.

Mr. GREENWOOD. What is the period of a session of the Legislature of Hawaii?

Mr. CRAMTON. I can not tell the gentleman—I was once there in June and they were still in session.

Mr. LAGUARDIA. The organic act takes care of that.

Mr. GREENWOOD. It seems to me that the salary ought to be a per diem and not a lump sum, and it ought to be paid out of the revenues of the Territorial treasury.

Mr. CRAMTON. My amendment does make the Hawaiian special session paid from the Territorial treasury.

Mr. GREENWOOD. Why do you make a difference between the regular session and the special session?

Mr. CRAMTON. Probably because there is a certain custom with reference to the payment of the regular session for the legislature.

Mr. STAFFORD. Is there any inducement to prolong the session by a per diem being paid out of the National Treasury?

Mr. CRAMTON. In some States it is found that a per diem for members of the legislature has prolonged the session. This bill proposes a lump sum for each session.

Mr. GREENWOOD. What is the per diem?

Mr. CRAMTON. I do not propose any per diem. The only thing proposed is to provide that the Hawaiian special session shall be paid from the Territorial treasury instead of the Federal Treasury.

Mr. LAGUARDIA. Does the gentleman's amendment differ in any way from our treatment of the Alaskan Legislature?

Mr. CRAMTON. I would not want to say exactly, but it is substantially about the same amount.

Mr. LAGUARDIA. The gentleman would not want to make any discrimination between our treatment of the two Territories?

Mr. CRAMTON. It has been several weeks since I checked it up, and I would not want to be too positive, but this payment is warranted by the payment we are making for Alaska.

Mr. LAGUARDIA. How about the amount?

Mr. CRAMTON. The amount will be about $50,000.

Mr. LAGUARDIA. Then this amendment does not make the treatment of Hawaii any different from that of Alaska?

Mr. CRAMTON. The purpose is to make it the same.

Mr. STAFFORD. Why does the gentleman differentiate in the payment of the salaries for a regular session and the salaries for a special session? If they are to be paid for one, why not for both?

Mr. CRAMTON. For the reason that the regular sessions must be held every two years, and it lies somewhat with the members of the legislature whether they have to be called in special session or not. If they know it will be paid from the Federal Treasury, then there is very little inducement to finish up their business; they may desire to be called on to come back to the special session. If it is to be paid out of the Territorial treasury, they must answer to the people at home.

Mr. JENKINS. Is the pay of the members of the legislature determined by the organic act?

Mr. CRAMTON. Yes.

Mr. JENKINS. How many members are there?

Mr. CRAMTON. I would not be sure. The population of Hawaii is five or six times that of Alaska. I am not sure as to the size of the membership.

Mr. BLANTON. Mr. Speaker, is this for the term of the regular session?

Mr. CRAMTON. It would not be material. In any event they are to get the lump sum.

Mr. BLANTON. I understand they are to get a per diem of $15 a day.

Mr. CRAMTON. No. It provides a lump sum for each regular session.

Mr. STAFFORD. The gentleman from Texas is probably confusing this with the law of Alaska.

Mr. BLANTON. Then there is a regular fixed sum, $1,000, for the regular term, and there is only one regular session every two years?

Mr. CRAMTON. Yes.

Mr. BLANTON. And the only precedent for it is the legislation for Alaska?

Mr. CRAMTON. Not only Alaska but each one of the other Territories when we had other Territories.

Mr. BLANTON. When we had other Territories, were the members of the legislature paid out of the Territorial funds?

Mr. CRAMTON. Not at the regular sessions.

Mr. BLANTON. I know; but have there been other Territories when the salaries for the regular sessions were paid out of the Treasury?

Mr. JOHNSON of Washington. If I may be permitted to answer, I remember that several years ago, in the year 1900, I believe, a splendid organic act for Hawaii was passed. Since that act the conduct of affairs in Hawaii under both Democratic and Republican governors has continuously improved. It is not so easy to conduct the affairs of such a far-flung Territory, and not easy to prepare in the Committee on Territories the legislation from time to time needed. I think this is quite a proper bill.

Mr. LAGUARDIA. The taxes which are received from Hawaii are several million dollars more than the administrative expenses of the islands.

The SPEAKER. Is there objection to the consideration of the bill?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That section 26 of the act entitled "An act to provide a government for the Territory of Hawaii," approved April 30, 1900, as amended, is amended to read as follows:

"SEC. 26. That the members of the legislature shall receive for their services, in addition to mileage at the rate of 20 cents a mile each way, the sum of $1,000 for each regular session, payable in three equal installments, on and after the first, thirtieth, and fiftieth days of the session, and the sum of $500 for each special session, to be appropriated by Congress from any moneys in the Treasury not otherwise appropriated, based upon regular estimates submitted through the Secretary of the Interior: *Provided,* That said members shall receive no compensation for any extra session held under the provisions of existing law.

With a committee amendment as follows:

Page 2, line 7, after the word "law," insert the words "*Provided further,* That the said sums herein authorized to be appropriated shall include all sums appropriated by the Congress for legislative expenses."

The SPEAKER. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

Mr. CRAMTON. Mr. Speaker, I offer an amendment.

The SPEAKER. The Clerk will report the amendment offered by the gentleman from Michigan.

The Clerk read as follows:

Amendment offered by Mr. CRAMTON: Page 2, lines 1 and 2, strike out the words "and the sum of $500 for each special session"; page 2, lines 5 to 10, strike out proviso and insert in lieu thereof the following: "*Provided,* That said members shall receive from the treasury of the Territory $500 as compensation for any extra session held under the provisions of existing law: *Provided further,* That the said sums herein authorized to be appropriated from the Federal Treasury for mileage and per diem of members for regular sessions shall constitute the only sums to be appropriated by the Congress for legislative expenses."

The SPEAKER. The question is on agreeing to the amendment offered by the gentleman from Michigan.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

OPINIONS OF THE COURT OF CUSTOMS AND PATENT APPEALS

The next business on the Consent Calendar was the bill (H. R. 11274) to amend section 305, chapter 8, title 28 of the United States Code, relative to the compilation and printing of the opinions of the Court of Customs and Patent Appeals.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. JENKINS. Reserving the right to object, Mr. Speaker—and I shall not object—I would like to ask some member of the Committee on the Judiciary whether any similar bill has been referred to that committee?

Mr. LAGUARDIA. I do not think so. This bill provides for the printing of the opinions in separate bound volumes. We combined the Court of Customs and Patent Appeals in the appellate jurisdiction. The decisions appear now separately, one in the customs division and the other in the patent division. Under the present law patent cases are heard by the District Court of Appeals, and the opinions appeared in their combined report. Now it is found necessary to have in bound volumes the tax appeals separate from the customs appeals.

Mr. STAFFORD. The gentleman will realize that no attorneys refer to the Official Gazette for decisions, and it is in consonance with the uniform practice to have decisions, now that the court is vested with this additional jurisdiction, printed in separate volumes.

Mr. LAGUARDIA. And the opinions contained in the Gazette are in pamphlet form, and for permanent use every lawyer and court should have the bound volumes.

I think it is very useful.

Mr. JENKINS. Mr. Speaker, I withdraw the reservation.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the second sentence of section 305 (Jud. C., sec. 192) of chapter 8 of title 28 of the United States Code be amended to read as follows:

"The reporter of the Court of Customs and Patent Appeals shall prepare and transmit—

"(1) To the Secretary of the Treasury, once a week, in time for printing in the publication entitled 'Treasury Decisions,' copies of all opinions relating to customs rendered by the court to that date;

"(2) To the Commissioner of Patents, once a week, in time for printing in the publication entitled 'Official Gazette,' copies of all opinions relating to patent and trade-mark appeals rendered to that date by said court.

"The reporter shall cause to be compiled and published, at least once a year, in such manner as the court shall direct, all of the opinions rendered by said court to that date, together with such digests and indexes as the court may deem necessary."

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

GOVERNMENT ROAD ACROSS FORT SILL (OKLA.) MILITARY RESERVATION

The next business on the Consent Calendar was the bill (H. R. 7272) to provide for the paving of the Government road across Fort Sill (Okla.) Military Reservation.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, does this not disturb the entire building program, as to priority? Why is this bill necessary? I believe it is a matter of appropriation.

Mr. STAFFORD. The gentleman will notice this bill was reported quite early in the session, on February 3.

Mr. LAGUARDIA. Yes.

Mr. STAFFORD. It was then represented to the committee that this highway was urgently needed to connect traffic termini on either side of the reservation. The committee has recommended an amendment whereby only one-half the expense shall be borne by the National Government. This road is through a military reservation. Naturally, the Government should bear some portion of the expense, because it is of value not only to the localities but also to the reservation itself. The committee proposed a substitute, as the gentleman will notice, whereby one-half the expense is to be borne locally.

We have attempted in every particular to safeguard the interests of the public and to provide as much needed highway for the convenience of the people of Oklahoma.

Mr. LAGUARDIA. But is there any provision in the committee amendment which would require the State of Oklahoma to make its payment or provision for the payment before the work is started?

Mr. STAFFORD. Yes; the proviso—

That the State of Oklahoma or civil subdivisions thereof or local interests concerned shall contribute an amount sufficient to cover the remainder of the cost of improving said road, and the Secretary of War is hereby authorized to expend such sum as may be so contributed concurrently with the appropriation herein authorized.

Mr. DOWELL. Will the gentleman yield?

Mr. STAFFORD. I yield.

Mr. DOWELL. Is this entirely within a military reservation?

Mr. STAFFORD. Entirely. I think we have safeguarded the Government interests in every respect. It will not impede public improvements.

Mr. JENKINS. Will the gentleman yield?

Mr. STAFFORD. I yield.

Mr. JENKINS. Under the present law the United States Government contributes, up to $20,000 per mile, dollar for dollar with the States. If this is purely a Federal proposition, does the gentleman not think it is a departure whenever we offer to match money with the State of Oklahoma?

Mr. STAFFORD. The committee thought there was a peculiar condition arising whereby this road should be opened. The highway is exclusively within the military reservation. It is of value to the communities on either side. We did not want to block it. Neither did we see that the entire burden should be borne by the National Government.

Mr. LAGUARDIA. Would the gentleman object to this amendment?—after the word "concerned," in line 22, page 2, in the proviso, insert these words, "before the construction of said road is commenced," so that it will read:

That the State of Oklahoma or civil subdivisions thereof or local interests concerned, before the construction of said road is commenced, shall contribute.

Mr. STAFFORD. That is carrying out the idea of the committee, and I think there could be no objection to the amendment.

Mr. McCLINTIC of Oklahoma. Will the gentleman yield?

Mr. STAFFORD. I yield.

Mr. McCLINTIC of Oklahoma. The road-building machinery of each State is generally conducted by a highway department, and before a road contract can be made the money has to be on hand. In this particular case it is a highway that has recently been federalized. The present law is not applicable to the extent that this little section running through Fort Sill can be contracted for unless we have some legislation along this line.

Mr. JENKINS. Will the gentleman yield?

Mr. STAFFORD. I yield.

Mr. JENKINS. What provision is made for the maintenance of the road?

Mr. McCLINTIC of Oklahoma. When it becomes a federalized road the maintenance will be taken care of by the State and the Federal Governments.

Mr. LAGUARDIA. I think the gentleman is in error on that. This is wholly within a military reservation. I think the maintenance will be up to the Federal Government.

Mr. McCLINTIC of Oklahoma. Well, I do not think so. The road has been federalized, and it is now No. 7. When a road is federalized provisions are made for its entire upkeep.

Mr. McKEOWN. Will the gentleman yield?

Mr. STAFFORD. I yield.

Mr. McKEOWN. The truth about it is that the whole road should be paid for by the National Government. We do it with any other cases, but the people down there are so anxious to have it that the State is willing to pay a part of it.

Mr. LAGUARDIA. The gentleman does not then have any objection to my amendment?

Mr. McKEOWN. No.

Mr. McCLINTIC of Oklahoma. The only reason that I made the explanation was that I wanted the gentleman to understand that it is not possible to let a contract for the building of any section of a road unless the money is available.

Mr. LAGUARDIA. True, but the Federal Government may build the road.

Mr. McCLINTIC of Oklahoma. No, no.

Mr. LAGUARDIA. This bill provides "that the Secretary of War is authorized to construct a paved road."

Mr. McCLINTIC of Oklahoma. I understand the State of Oklahoma is to pay one-half of it, according to the provisions of the legislation. Therefore I hope the gentlemen will not object.

Mr. LAGUARDIA. Very well, let us make it certain.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the sum of $159,817, or so much of said sum as may be necessary, is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, to be expended under the direction of the Secretary of War, in paving the Government road through the Fort Sill (Okla.) Military Reservation, beginning at the site of the fort and running to the reservation limit on the north, in the length of approximately 4½ miles, being a part of one of the public thoroughfares of the State running from Fort Sill to Apache, Okla.: *Provided,* That no part of this appropria-

tion shall be expended until the State of Oklahoma, or the county thereof concerned, obligates itself, or themselves, in writing to the satisfaction of the Secretary of War that it, or they, will accept title to and maintain said road under the provisions of the act approved March 3, 1925 (sec. 418, title 18, U. S. C.), immediately upon the completion of such improvements as may be made under this appropriation.

With the following committee amendment:

Strike out all after the enacting clause, and insert the following:

"That the Secretary of War is authorized to construct a paved road across the Fort Sill (Okla.) Military Reservation, beginning at the site of the fort and running to the reservation limit on the north, over such route as he may determine, for which an appropriation is hereby authorized in such amount as may be required to pay one-half the cost of the improvement of said road, but not in excess of the amount that would be payable as Federal aid for the construction of a primary road of equal length in the vicinity of said reservation under the Federal highway act of November 9, 1921, as amended: *Provided*, That the State of Oklahoma or civil subdivisions thereof or local interests concerned shall contribute an amount sufficient to cover the remainder of the cost of improving said road, and the Secretary of War is hereby authorized to expend such sum as may be so contributed concurrently with the appropriation herein authorized."

Mr. LAGUARDIA. Mr. Speaker, I offer an amendment to the committee amendment.

The SPEAKER. The gentleman from New York [Mr. LAGUARDIA] offers an amendment which the Clerk will report.

The Clerk read as follows:

Amendment to the committee amendment offered by Mr. LAGUARDIA: Line 22, after the word "concerned" insert the words "before the construction of said road is commenced."

The amendment to the committee amendment was agreed to.

The committee amendment as amended was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

MIGRATORY BIRD CONSERVATION ACT

The next business on the Consent Calendar was House Joint Resolution 307, authorizing the appropriation, for the fiscal year ending June 30, 1931, of not to exceed $300,000 of the amount of $600,000 authorized to be appropriated for the fiscal year ending June 30, 1932, by section 12 of the migratory bird conservation act of February 18, 1929.

The Clerk read the title of the resolution.

The SPEAKER. Is there objection to the present consideration of the resolution?

Mr. BLANTON. Mr. Speaker, I object.

Mr. HOPE. Will the gentleman reserve his objection?

Mr. BLANTON. I reserve the right to object.

Mr. HOPE. Senate bill 3950 has been favorably reported by the House Committee on Agriculture and is now on the calendar. It seeks to accomplish the same purpose as House Joint Resolution No. 307, except it does it in a different way. It authorizes a direct appropriation for the purpose of establishing a migratory-bird refuge in the Cheyenne bottoms. This is a matter very much in the nature of an emergency, because action has already been taken to drain this area. The drainage district has been organized, bonds have been authorized; and unless some action is taken by Congress at this time, this area, which is one of the great concentration areas in this country for migratory birds, will be lost, or if it is not lost and it is desired to acquire it later, it will cost the Government a great deal more money than it can be purchased for at this time.

Mr. BLANTON. I want to ask the gentleman a question: Does the gentleman know how much we have already spent under this migratory bird act since it was first passed?

Mr. HOPE. The gentleman means the bill which was passed last year?

Mr. BLANTON. I mean since the first Hawes bill was passed several years ago.

Mr. HOPE. Well, I will say to the gentleman that we have spent very, very little in establishing migratory-bird refuges.

Mr. BLANTON. The gentleman knows that if this $300,000 out of the $600,000 authorized for 1932 is allowed to be spent in 1931 they will come right back here again and ask for another $300,000 for 1932. That will be the case, will it not?

Mr. HOPE. What I was proposing to do was to ask that at this time we consider the bill which has already passed the Senate, authorizing a direct appropriation to purchase this tract of land in Kansas.

Mr. BLANTON. Is the gentleman prepared to assure us that there will not be another effort made to come back and ask for another $300,000 to supplement the amount for 1932?

Mr. HOPE. I can assure the gentleman I will not do so and I can not see any reason why anyone else should do it, because under the terms of the migratory bird conservation act, which was passed by the House last year, we will have, beginning with 1933, $1,000,000 a year for the purpose of buying these refuges. The only reason for asking an appropriation outside of the general law is that this is an emergency. This refuge is going to get away from us and it is going to be drained and lost forever unless we can pass a bill at this time which will allow the Government to purchase it.

Mr. BLANTON. Is this refuge generally designated as the millionaire huntsmen's refuge?

Mr. HOPE. No; it is not. It is to be an inviolate sanctuary.

Mr. BLANTON. Is there any hunting permitted there at all?

Mr. HOPE. Absolutely none.

Mr. BLANTON. I will withdraw my objection.

Mr. COCHRAN of Missouri. If the gentleman will permit, I would like to advise the gentleman from Texas that the statistics show that nearly five times as many migratory birds are killed in the State of Texas than in any State in the Union, and this appropriation is to conserve migratory birds; to make better shooting for Texas.

Mr. BLANTON. Texas is five times as large as most of the States. I want to say to the gentleman from Missouri that a poor man in Texas has the same right to kill birds as a millionaire from New York.

Mr. COCHRAN of Missouri. This will help the poor man in Texas. They will breed in the North and then the ducks and geese will go down to Texas to be slaughtered.

Mr. LAGUARDIA. The gentleman from Kansas has made out a pretty good case, showing there may be some need for immediate legislation, but I want to point out to the House that there are several bills on this calendar seeking increased appropriations for the carrying out of the provisions of the migratory bird act. I am going to object to these others because I do not believe they ought to be brought up on the Consent Calendar.

Mr. ANDRESEN. The Committee on Agriculture had this measure under consideration for some time. We are in accord with the gentleman as to the future, but this is an emergency proposition.

The SPEAKER. Is there objection?

Mr. KINCHELOE. Mr. Speaker, reserving the right to object, I want to say to the Members of the House that nobody has been more interested in migratory bird legislation than I have. I happen to be a member of the Committee on Agriculture. We passed a general migratory bird law, as has been stated here. The territory acquired under that act is to be absolutely inviolate, with never a gun fired on it, and the areas are to be sanctuaries in every respect.

At first I objected to the bill of the gentleman from Kansas [Mr. HOPE] because it was not included in the omnibus migratory bird law that we passed, but in view of the fact that the evidence is sufficient, at least in my opinion, that otherwise this land is going to be drained in a little while and they do not seem to have any legal way of preventing it, and the further fact that the Bureau of the Budget has agreed to this amount, not to be taken out of the funds under the omnibus migratory bird law that we passed, I think the bill ought to be passed; and at my suggestion the gentleman from Kansas and I got together and put the inviolate provision of the general migratory bird law into this bill, so that when the bill is passed, with the amendments that the gentleman is going to offer—the gentleman is going to offer those amendments?

Mr. HOPE. Yes.

Mr. KINCHELOE. The provision with respect to the sanctuary being inviolate will be the same as the general omnibus migratory bird law that we passed.

Mr. LAGUARDIA. I do not think there is any question that under the law which we passed, hunting is forbidden in all the sanctuaries; at least, that is my understanding.

Mr. KINCHELOE. There is no question about that, and at my suggestion the gentleman is going to offer an amendment that brings this bill within the pale of the general law.

Mr. HOCH. Will the gentleman yield?

Mr. HOPE. Yes.

Mr. HOCH. I think it is well to put that provision in the bill by way of double precaution.

Mr. KINCHELOE. Yes. I would object to the bill myself if that provision were not put in.

Mr. CLARKE of New York. If the gentleman will permit, I want to say that time is a very important element because incalculable damage will be done if this is not agreed to.

The SPEAKER. Is there objection?

There was no objection.

Mr. HOPE. Mr. Speaker, I ask unanimous consent at this time that the House consider the Senate bill (S. 3950), which

is the bill I have been discussing, instead of the joint resolution (H. J. Res. 307).

The SPEAKER. Is there objection to the request of the gentleman from Kansas?

There was no objection.

Mr. KINCHELOE. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. KINCHELOE. Mr. Speaker, my parliamentary inquiry is this: The gentleman from Kansas has some amendments which will be offered to the Senate bill. When is it in order for the gentleman to offer the amendments?

The SPEAKER. As soon as the bill is reported.

The Clerk read the Senate bill (S. 3950), as follows:

Authorizing the establishment of a migratory bird refuge in the Cheyenne bottoms, Barton County, Kans.

Be it enacted, etc., That the Secretary of Agriculture be, and he is hereby, authorized to acquire, by purchase, gift, or lease, not to exceed 20,000 acres of land in what is known as the Cheyenne bottoms, in Barton County, Kans., or, in lieu of purchase, to compensate any owner for any damage sustained by reason of submergence of his lands.

SEC. 2. That such lands, when acquired in accordance with the provisions of this act, shall constitute the Cheyenne bottoms migratory bird refuge and shall be maintained as a refuge and breeding place for migratory birds included in the terms of the convention between the United States and Great Britain for the protection of migratory birds concluded August 16, 1916.

SEC. 3. That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, a sum of $300,000, or so much thereof as may be necessary, to purchase or otherwise acquire the land described in section 1 of this act.

With the following committee amendments:

On page 2, line 10, strike out "$300,000" and insert "$250,000."

The committee amendment was agreed to.

Page 2, after line 12, insert a new section, as follows:

"SEC. 4. That the Secretary of Agriculture may do all things and make all expenditures necessary to secure the safe title in the United States to the areas which may be acquired under this act, including purchase of options when deemed necessary by the Secretary of Agriculture, and expenses incident to the location, examination, and survey of such areas and the acquisition of title thereto, but no payment shall be made for any such areas until the title thereto shall be satisfactory to the Attorney General. That the acquisition of such areas by the United States shall in no case be defeated because of rights of way, easements, and reservations which from their nature will in the opinion of the Secretary of Agriculture in no manner interfere with the use of the areas so encumbered for the purpose of this act."

The committee amendment was agreed to.

Mr. HOPE. Mr. Speaker, I offer an amendment, which I have sent to the desk.

The SPEAKER. The gentleman from Kansas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. HOPE: Page 3, after line 3, insert a new section, as follows:

"SEC. 5. Sections 7, 8, 9, 10, 13, 14, and 15 of the migratory bird conservation act, approved February 18, 1929, are hereby made applicable for the purposes of this act in the same manner and to the same extent as though they were enacted as a part of this act."

Mr. BLANTON. Mr. Speaker, I reserve a point of order on the amendment. I want to ask the gentleman a question. Has the gentleman's committee that reported this bill approved of this amendment?

Mr. HOPE. The committee has not considered this amendment, but it merely makes the provisions of the general migratory bird law, which the committee did approve last year, a part of this bill. I am sure that no member of the committee has any objection to the amendment.

Mr. BLANTON. Has the Committee on Agriculture approved this amendment?

Mr. HOPE. It has not approved this amendment as such, but it did approve its substance, because it is a part of the migratory bird act which the committee approved and the House passed last year. The sole purpose of the amendment is to make certain that this area will be an inviolate sanctuary for migratory birds.

Mr. BLANTON. Has the gentleman submitted his amendment to the committee?

Mr. KINCHELOE. Will the gentleman yield?

Mr. BLANTON. Yes.

Mr. KINCHELOE. This amendment which the gentleman is now offering was drawn because I objected to the bill and proposed to fight it to a finish because it did not come within the purview of the general migratory bird act. The amendment makes certain sections of the general migratory bird act a part of this bill.

Mr. BLANTON. And the gentleman from Kentucky, as a member of the committee, approves of this amendment?

Mr. KINCHELOE. Yes; because this will make this sanctuary inviolate.

Mr. BLANTON. I withdraw the point of order.

Mr. CLARKE of New York. The suggestion originally came from the gentleman from Texas.

Mr. LAGUARDIA. And it is in line with the expression which the gentleman from Texas made a few moments ago.

Mr. KINCHELOE. The amendment makes this reservation an inviolate sanctuary.

The amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

PROMOTION OF VOCATIONAL AGRICULTURE

The next business on the Consent Calendar was the bill (S. 2113) to aid in effectuating the purposes of the Federal laws for promotion of vocational agriculture.

The Clerk read the title to the bill.

The SPEAKER. Is there objection?

Mr. LAGUARDIA. I object.

NATIONAL PARK MENOMINEE INDIAN RESERVATION, WIS.

The next business on the Consent Calendar was the bill (H. R. 11900) to authorize the Secretary of the Interior to investigate and report to Congress on the desirability of the acquisition of a portion of the Menominee Indian Reservation in Wisconsin for the establishment of a national park to be known as Menominee National Park.

The Clerk read the title to the bill.

The SPEAKER. Is there objection?

Mr. CRAMTON. Reserving the right to object, I discussed this with the gentleman from Wisconsin and he is agreeable to certain amendments to make it clear that the investigation is to be conducted by the Indian Service and the National Park Service; and to eliminate section 2 which involves an extensive study that would not necessarily be required. With these amendments I have no objection.

Mr. DYER. Does not the Interior Department have authority to do practically what this legislation provides?

Mr. CRAMTON. The National Park Service clearly has authority, and in the 1931 appropriation bill there is money available for the Park Service to carry on these studies. But in this particular case I do believe that it is desirable to definitely tie together the Indian Service and the Park Service in the study because this Indian reservation is involved.

Mr. REED of New York. Mr. Speaker, I make the point that no quorum is present.

The SPEAKER. Evidently there is no quorum present.

Mr. RAMSEYER. Mr. Speaker, I move a call of the House.

The motion was agreed to.

The doors were closed, the Sergeant at Arms was directed to notify absentees, the Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 64]

Abernethy	Dominick	Kiess	Ransley
Aldrich	Doyle	Kunz	Rayburn
Allen	Drewry	Kurtz	Romjue
Andrew	Estep	Lampert	Sabath
Auf der Heide	Esterly	Lankford, Ga.	Sinclair
Bankhead	Evans, Calif.	Lindsay	Snell
Beck	Fort	McCormick, Ill.	Somers, N. Y.
Bloom	Gavagan	McSwain	Steagall
Bohn	Graham	Maas	Stedman
Britten	Granfield	Magrady	Stevenson
Brunner	Griffin	Mead	Stobbs
Buchanan	Hammer	Montague	Strong, Pa.
Carley	Hoffman	Mooney	Sullivan, N. Y.
Carter, Wyo.	Hudson	Moore, Va.	Sullivan, Pa.
Celler	Hull, William E.	Nolan	Taylor, Colo.
Chase	Hull, Tenn.	Norton	Treadway
Christgau	Hull, Wis.	O'Connor, N. Y.	Underhill
Cooke	Igoe	Oliver, N. Y.	Underwood
Cooper, Ohio	James	Owen	Vincent, Mich.
Craddock	Jeffers	Palmisano	Warren
Curry	Johnson, Ill.	Peavey	White
Davenport	Johnston, Mo.	Porter	Williams
Dempsey	Kennedy	Prall	Wingo
Dickinson	Kerr	Pratt, Harcourt J.	Wolfenden
Dickstein	Ketcham	Quayle	Yon

The SPEAKER pro tempore (Mr. LEHLBACH). Three hundred and twenty-eight Members have answered to their names, a quorum is present.

Mr. TILSON. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The doors were opened.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Craven, its principal clerk, announced that the Senate had passed a concurrent resolution of the following title, in which the concurrence of the House is requested.

S. Con. Res. 23. Concurrent resolution requesting the President to issue a proclamation each year designating the first week in April as American conservation week.

The message also announced that the Senate disagrees to the amendments of the House to the bill (S. 4017) entitled "An act to amend the act of May 29, 1928, pertaining to certain War Department contracts by repealing the expiration date of that act," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. REED, Mr. GREENE, and Mr. SHEPPARD to be the conferees on the part of the Senate.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the joint resolution (H. J. Res. 270) entitled "Joint resolution authorizing an appropriation to defray the expenses of the participation of the Government in the Sixth Pan American Child Congress to be held at Lima, Peru, July, 1930."

MESSAGE FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. Latta, one of his secretaries, who also informed the House that on the following dates the President approved and signed bills and a joint resolution of the House of the following titles:

On June 6, 1930:

H. R. 970. An act to amend section 6 of the act of May 28, 1896;

H. R. 5662. An act providing for depositing certain moneys into the reclamation fund; and

H. R. 11403. An act to amend an act entitled "An act to create a revenue in the District of Columbia by levying tax upon all dogs therein, to make such dogs personal property, and for other purposes," as amended.

On June 9, 1930:

H. R. 323. An act for the relief of Clara Thurnes;

H. R. 937. An act for the relief of Nellie Hickey;

H. R. 940. An act for the relief of James P. Hamill;

H. R. 1559. An act for the relief of John T. Painter;

H. R. 4849. An act to provide for the purchase of a bronze bust of the late Lieut. James Melville Gilliss, United States Navy, to be presented to the Chilean National Observatory;

H. R. 9123. An act for the relief of Francis Linker;

H. R. 10037. An act to amend the act entitled "An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1929, and for other purposes," approved May 16, 1928;

H. R. 10117. An act authorizing the payment of grazing fees to E. P. McManigal;

H. R. 10175. An act to amend an act entitled "An act to provide for the promotion of vocational rehabilitation of persons disabled in industry or otherwise and their return to civil employment," approved June 2, 1920, as amended;

H. R. 11547. An act to provide for the erection of a marker or tablet to the memory of Joseph Hewes, signer of the Declaration of Independence, member of the Continental Congress, and patriot of the Revolution, at Edenton, N. C.;

H. R. 12013. An act to revise and equalize the rate of pension to certain soldiers, sailors, and marines of the Civil War, to certain widows, former widows of such soldiers, sailors, and marines, and granting pensions and increase of pensions in certain cases;

H. R. 12302. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war; and

H. J. Res. 243. Joint resolution authorizing an appropriation to defray one-half of the expenses of a joint investigation by the United States and Canada of the probable effects of proposed developments to generate electric power from the movement of the tides in Passamaquoddy and Cobscook Bays.

EXTENSION OF REMARKS

Mr. COCHRAN of Missouri. Mr. Speaker, on Saturday evening Missouri's Democratic candidate for President in 1932, Hon. James A. Reed, former Senator from Missouri, spoke over the radio on national issues. He was speaking at a Democratic meeting, nearly 10,000 citizens of my State being present. Just as he reached the subject of radio and the Radio Trust an S O S call was sent out and he was taken off the air. I know not who sent out the call. The speech was a good one and should be read by all. I ask unanimous consent that I be permitted to place the speech in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

Mr. DENISON. Mr. Speaker, reserving the right to object, I was just over in the Senate, and that speech was inserted in the RECORD in that body. There is no necessity of getting it in the RECORD twice.

Mr. COCHRAN of Missouri. Mr. Speaker, I am glad to hear it. I withdraw the request.

NATIONAL PARK MENOMINEE INDIAN RESERVATION, WIS.

The SPEAKER pro tempore. When the point of no quorum was made the bill H. R. 11900 had been called up. Is there objection to the consideration of the bill H. R. 11900?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, directed to investigate and report to Congress as to the desirability of acquiring from the Menominee Tribe of Indians in Wisconsin that portion of the lands comprising the six eastern townships of said reservation located within the counties of Shawano and Oconto, Wis., and such additional adjacent lands outside of the reservation as may be deemed desirable, for the purpose of establishing a national park to be known as Menominee National Park, for the benefit and enjoyment of the people of the United States and to preserve said area in its natural state.

SEC. 2. The Secretary of the Interior shall include in his report an appraisal of the individual interests of members of the tribe as to land improvements and buildings on a reproduction basis, and also their joint interests consisting of the land, timber, water-power potentialities, industrial developments, buildings, etc.: *Provided*, That it be clearly understood that no lands, rights, or properties shall be taken from the Menominee Tribe or individual members thereof for such park purposes without adequate compensation.

Mr. CRAMTON. Mr. Speaker, I offer the following amendments.

The Clerk read as follows:

Page 1, line 4, after the word "investigate," insert the words "through the National Park Service and the Bureau of Indian Affairs."

Page 2, strike out all of section 2.

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

TERMS OF COURT AT EASTON, PA.

The next business on the Consent Calendar was the bill (H. R. 7926) to provide for terms of the United States District Court for the Eastern District of Pennsylvania to be held at Easton, Pa.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. CRAMTON. I object.

Mr. COYLE. Will the gentleman withhold his objection?

Mr. CRAMTON. Yes. I will state that there is no particular urgency for establishing a new place to hold a Federal court 60 or 70 miles from Philadelphia except it is for the convenience of the judge who happens to live there. The bill provides that there shall be no expense involved to the Federal Treasury. But some time or other that will be disregarded and we will have to add to a Federal building at Easton one or two hundred thousand dollars for a place in which to hold court to try a few cases. In connection with the public building bills we are finding this experience repeatedly, and the courts are being held in many States at places where it really is not essential and it involves a large amount of money.

Mr. LAGUARDIA. The committee went into this very thoroughly and believe this bill ought to pass.

Mr. CRAMTON. The bill provides that there shall be no expense to the Federal Government, but in a year or two or three or four that will be disregarded and there will be an expense of one or two hundred thousand dollars to put up a Federal building.

Mr. LAGUARDIA. I am sure the gentleman must have some reliance upon the Judiciary Committee.

Mr. CRAMTON. I have been supporting their bills uniformly, even when my friend from New York, who is a member of the committee, did not support the bills.

Mr. LAGUARDIA. Oh, let us not go into that now, but here is a condition which confronts us: Philadelphia has a very busy court.

Mr. CRAMTON. It does not help the court out in Philadelphia to take a judge to Easton to hold court.

Mr. LAGUARDIA. But it helps the litigants at Easton.

Mr. CRAMTON. Oh, that is only 60 or 70 miles away.

Mr. STAFFORD. Is the gentleman from Michigan acquainted with the geography of the district and the surroundings there? Easton is a central point, with Allentown and Bethlehem and other large places in the neighborhood. This makes a central location for the holding of court. I think if the gentleman were acquainted with the geography and population of the district, he would give the bill favorable consideration.

Mr. CRAMTON. The department does not urge the bill.

Mr. STAFFORD. Neither does it oppose it.

Mr. CRAMTON. The Attorney General says:

In consideration of all the above, while not disposed to urge the enactment of the bill, the department would offer no objection to it, provided it shall be amended to include a provision that the holding of court at Easton shall be conditioned on the furnishing of suitable facilities therefor without expense to the United States.

When we are considering these public building bills we find a town where they are putting up a building for a Federal post office, and it develops that the Federal court is held there, perhaps once a year, perhaps for three or four days in a year, and we have to put double the cost on that building in order to accommodate a few days of court and our committee has come to repeated instances where courts are established and do very little business, costing us a whole lot of money. It seems to me the time to remedy the situation is before we authorize the holding of the court.

Mr. STAFFORD. But in all these instances litigants are accommodated, and Easton is an industrial center.

Mr. CRAMTON. I am perfectly willing to withhold the objection and let the matter go over for another week.

Mr. STAFFORD. Mr. Speaker, I ask unanimous consent that the bill may go over without prejudice.

The SPEAKER pro tempore. The gentleman from Wisconsin asks unanimous consent that the bill be passed over without prejudice. Is there objection?

There was no objection.

EMPLOYEES OF IMMIGRATION SERVICE IN FOREIGN DUTY

The next business on the Consent Calendar was the bill (H. R. 9803) to amend the fourth proviso to section 24 of the immigration act of 1917, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the fourth proviso to section 24 of the immigration act of 1917, as amended, is hereby amended to read as follows:

"*Provided further*, That when inspectors or other employees of the Immigration Service are ordered to perform duty in a foreign country, or transferred from one station to another, in the United States or in a foreign country, they shall be allowed their traveling expenses in accordance with such regulations as the Secretary of Labor may deem advisable, and they may also be allowed, within the discretion and under written orders of the Secretary of Labor, the expenses incurred for the transfer of their wives and dependent minor children; their household effects and other personal property, not exceeding in all 5,000 pounds, including the expenses for packing, crating, freight, and drayage thereof. The expense of transporting the remains of inspectors or other employees of the Immigration Service, who die while in, or in transit to, a foreign country in the discharge of their official duties, to their former homes in this country for interment, and the ordinary and necessary expenses of such interment, at their posts of duty or at home, are hereby authorized to be paid on the written order of the Secretary of Labor."

Mr. JENKINS. Mr. Speaker, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment by Mr. JENKINS: Line 13, page 2, after the word "interment," strike out the comma and insert "and the preparation for shipment."

The amendment was agreed to and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

CLERKS IN IMMIGRATION SERVICE

The next business on the Consent Calendar was the bill (H. R. 10881) to amend section 24 of the immigration act of 1917 as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. CRAMTON. Mr. Speaker, reserving the right to object, I can not find from the report that this bill is recommended by the department, and it does not appear to have been submitted to the Budget. If we are to have a Budget at all that amounts to anything we must insist on their having a chance to go over these bills. If the Committee on Immigration is not interested in the attitude of the Budget, some of the rest of us are. I feel obliged to object to the bill.

Mr. JOHNSON of Washington. Will the gentleman withhold his objection for a moment?

Mr. CRAMTON. Certainly. And what I say applies to the next bill from the committee and I think the numerous other bills from the same committee.

Mr. JOHNSON of Washington. It is true that there are three bills in a row, and the point with at least one of them is this: The Immigration Service in the Department of Labor seems to be always overlooked when the pay adjustments are made. Clerks in the Treasury Department and elsewhere, but not in the Immigration Service, which operates under a lump-sum appropriation, which seems never quite enough to go around. Hence the clerks in that service are out of luck. Besides, more clerks are needed. Any Budget recommendation that has been made for any other department which has the same class of clerks should apply to this service, in my opinion.

Mr. CRAMTON. I should say that the rule to be applied to one department should also apply to another if the conditions are the same. Why was not this bill referred to the Budget?

Mr. JOHNSON of Washington. The bill, I will say to the gentleman, was referred to a subcommittee, which has worked on the problem for years. An appropriations subcommittee asked us to work it out.

Mr. CRAMTON. I am in sympathy with the general purpose of the bill, but I happen to know that the Budget officials are greatly concerned as to the financial policy that shall be pursued for the next year, and so far as I am concerned I am going to object to bills that are going to cost large sums of money. Many bills are brought in here without any report.

Mr. Speaker, I ask unanimous consent that these bills go over for a week, in the hope that the gentlemen interested will give the Budget a chance to report upon them.

There is nothing here even to show that the department favored it later than the year 1923. You ought to get a report a little nearer the present date than 1923.

Mr. JOHNSON of Washington. Let us allow the first bill to go over until further information is procured, and let us consider the second bill on its merits. Our committee has been opposed to this bill for years and years, because our committee does not approve of payments for overtime.

Mr. BLANTON. Mr. Speaker, I call for the regular order.

Mr. CRAMTON. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection?

There was no objection.

OVERTIME FOR EMPLOYEES, IMMIGRATION SERVICE

The next business on the Consent Calendar was the bill (H. R. 3309) to provide extra compensation for overtime service performed by immigrant inspectors and other employees of the Immigration Service.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. CRAMTON. Reserving the right to object, Mr. Speaker, I would like to have a report from the Budget concerning this bill.

Mr. JOHNSON of Washington. The House Committee on Immigration has hitherto objected to paying for overtime in the inspection service by a charge against shipowners. But for many years in the Customs Service that form of overtime has been paid. When their inspectors have to go out at night and do their work quickly in order to prevent delay in the arrival and departure of a great ship, they are paid overtime, but not directly from the owners of the ships. The owners pay that money over to the Treasury, so that the actual overtime is not paid directly to the inspectors. When the actual inspector gets the overtime money he does not know its source. I understand the same is true with respect to the meat inspectors in the meat-inspection service under the Department of Agriculture.

Now, then, in the case of the immigration inspectors they go out to the ships along and with the customs inspectors, and perform the same overtime. They may not get through until 3 o'clock the next morning; and then the immigration inspector has to go out again in a few hours. He does not get overtime either from the Government or from the owners. Our committee finally came to the conclusion that if it is paid in the

Customs Service it should be applied to this service also. We do not like the system at all. The Government is able to pay its inspectors in all services. But we can not get rid of the privately paid overtime in the great, big Customs Service, so our committee regretfully asks that you let the smaller Immigration Service "hook on" to their system.

Mr. STAFFORD. I understand it would apply to immigration inspectors and it would apply to inspectors on the border.

Mr. JOHNSON of Washington. Yes; under certain conditions. As to overtime——

Mr. STAFFORD. Overtime would be any time after 5 o'clock in the afternoon. That is the time when the extra pay commences.

Mr. JOHNSON of Washington. If there are enough inspectors, there will be no overtime in the case of the boundary inspectors. There can be two shifts at important points of entry. If there is overtime, it will be paid by the railroads if there is a shortage of inspectors.

Mr. CRAMTON. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice until we can get any kind of a report that the Department of Labor may submit.

Mr. JENKINS. The Secretary of Labor has recommended this time and time again. In the Seventieth Congress we passed a bill of which I was the author and which put the immigration on a pay schedule that brought them up to near the Customs Service, which is practically the same kind of work, and President Coolidge signed this bill. He expressed himself as being strongly in favor of the provisions of the bill that provided an automatic plan. That bill did not provide for overtime pay because it was felt that to ask it would endanger the passage of the bill. The customs inspectors were still favored over the immigration inspectors and are yet favored. There is no just reason why an immigration inspector should be required to work five or six hours overtime without compensation than any other employee of the Government. The steamship companies request the services of these inspectors for the benefit of the steamship companies, and why should they not pay for this special service?

Mr. GREENWOOD. I understand the extra pay for inspectors shall be paid by the shipping interests?

Mr. JENKINS. Yes; but not directly to the inspectors.

Mr. CRAMTON. Mr. Speaker, I renew my request that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

BRYCE CANYON NATIONAL PARK, UTAH

The next business on the Consent Calendar was the bill (H. R. 11698) to provide for the addition of certain lands to the Bryce Canyon National Park, Utah, and for other purposes.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. COLTON. Mr. Speaker, I ask unanimous consent that the Senate bill, S. 4170, be considered in lieu of the House bill. These bills are identical.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the Senate bill.

The Clerk read as follows:

S. 4170

A bill to provide for the addition of certain lands to the Bryce Canyon National Park, Utah, and for other purposes

Be it enacted, etc., That for the purpose of preserving in their natural state the outstanding scenic features to the south and west of Bryce Canyon National Park, the President of the United States be, and he is hereby, authorized, upon the joint recommendation of the Secretaries of Interior and of Agriculture, to add to the Bryce Canyon National Park, in the State of Utah, by Executive proclamation, any or all of unsurveyed townships 37 and 38 south, range 4 west, Salt Lake meridian, not now included in said park, and all the lands added to said park pursuant hereto shall be, and are hereby, made subject to all laws, rules, and regulations applicable to and in force in the Bryce Canyon National Park.

SEC. 2. That the provisions of the act of June 10, 1920, known as the Federal water power act, shall not apply to lands now included in the Bryce Canyon National Park nor to any lands added to said park under the authority of this act.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

The similar House bill was laid on the table.

ZION NATIONAL PARK

The next business on the Consent Calendar was the bill (H. R. 11699) to add certain lands to the Zion National Park in the State of Utah, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

Mr. COLTON. Mr. Speaker, I ask unanimous consent to consider the Senate bill (S. 4169) in lieu of the House bill (H. R. 11699).

The SPEAKER pro tempore. Without objection, the Clerk will report the Senate bill (S. 4169) in lieu of the House bill.

There was no objection.

The Clerk read the bill (S. 4169), as follows:

Be it enacted, etc., That sections 7, 17, 18, 19, 20, 29, 30, 31, and 32, township 41 south, range 9 west; unsurveyed sections 5, 6, 7, 8, 17, and 18, township 42 south, range 9 west; unsurveyed sections 5, 6, 7, and 8, township 42 south, range 9½ west; unsurveyed sections 1, 2, and the north half and southeast quarter section 3; northeast quarter section 4, east half section 10, sections 11 and 12, township 42 south, range 10 west; all of section 21, southwest quarter section 22, northwest quarter section 27, southeast quarter unsurveyed section 28; east half unsurveyed section 33, township 41 south, range 10 west; and all of sections 34, 35, and 36, township 41 south, range 11 west, all with reference to the Salt Lake meridian, be, and the same are hereby, added to and made a part of the Zion National Park in the State of Utah, subject to all laws and regulations applicable to and governing said park.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

A similar House bill was laid on the table.

ONE HUNDRED AND FIFTIETH ANNIVERSARY OF THE SIEGE OF YORKTOWN

The next business on the Consent Calendar was the joint resolution (H. J. Res. 289) providing for the participation of the United States in the celebration of the one hundred and fiftieth anniversary of the siege of Yorktown, Va., and the surrender of Lord Cornwallis on October 19, 1781, and authorizing an appropriation to be used in connection with such celebration, and for other purposes.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection to the present consideration of the joint resolution?

Mr. BLANTON. Mr. Speaker, reserving the right to object, I would like to ask the gentleman from Michigan [Mr. HOOPER] and the other gentlemen if this matter has been submitted to the Bureau of the Budget. This contains a proposed expenditure of $250,000.

Mr. HOOPER. I think the gentleman from Virginia [Mr. BLAND] has information on that subject.

Mr. BLANTON. Unless it has been submitted to the Bureau of the Budget, I feel constrained to object.

Mr. BLAND. I hope the gentleman will not object. This was recommended by a governmental commission, a commission consisting of five Senators and five Members of the House. The matter was fully gone into by the commission, and this resolution is based on the report of the commission. Then it was carefully considered by the Committee on the Library. The gentlemen went down there and went over the ground. It is really an emergency.

Mr. BLANTON. Was it considered at a full meeting of the Committee on the Library?

Mr. HOOPER. It was.

Mr. BLANTON. And the Committee on the Library approved it?

Mr. HOOPER. The Committee on the Library wholly approved it.

Mr. BLANTON. If that is the case, I will not prolong the discussion. I will withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the House joint resolution, as follows:

Resolved, etc., That the commission heretofore created pursuant to H. Con. Res. 43, Seventieth Congress, first session, and known as the United States Yorktown Sesquicentennial Commission be, and the same is hereby, continued by the same name and hereinafter referred to as the commission. Any vacancies arising in the personnel of the said commission shall be filled as follows: Any vacancies occurring among the Senators shall be filled by appointment by the President of the Senate, and any vacancies occurring among the Members of the House of Representatives shall be filled by appointment by the Speaker of the House of Representatives.

SEC. 2. That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, not exceeding $200,000 to be expended in the discreation of the commission in carrying out the purposes of this resolution, in doing such work, securing such grounds, providing such buildings and facilities, and meeting such expenses as the commission may deem necessary for the appropriate participation of the United States in the celebration and observance of the one hundred and fiftieth anniversary of the siege of Yorktown, Va., and the surrender of Cornwallis on October 19, 1781.

SEC. 3. That the said commission is authorized to formulate and secure the proper execution of appropriate plans for said celebration; to employ or assist in employing all necessary employees and assistants for the proper execution of its duties under this resolution; to cooperate with any and all other organizations, associations, and agencies, Federal, State, or municipal, civic and patriotic, that may be interested in said celebration; to enter into such contracts, perform such work, and do all such other things as may be necessary or proper to carry into full effect the intents and purposes of this resolution.

SEC. 4. That the commission may in its discretion accept for the purposes of said celebration gifts of money or property, leases of land, and loans of property.

SEC. 5. That the said commission be, and the same is hereby, authorized to call upon the War Department, the Navy Department, and the Commission of Fine Arts, in Washington, D. C., for their assistance and advice in connection with the performance of the duties of said United States Yorktown Sesquicentennial Commission, and the said War Department, Navy Department, and Commission of Fine Arts are directed to render such assistance and advice as their other duties may permit and as may be within their power.

SEC. 6. All expenditures of the commission shall be paid by the Treasurer of the United States upon the approval of the chairman and the secretary of the commission.

SEC. 7. That the members of the commission shall receive no compensation for their services, but shall be paid their actual and necessary traveling, hotel, and other expenses incurred in the discharge of their official duties outside of the District of Columbia to be paid out of the moneys authorized in section 2 of this resolution: *Provided, however,* That the expenditures under this section of this resolution shall not exceed in the aggregate the sum of $5,000.

SEC. 8. That the commission hereby created shall expire one year after the expiration of the celebration.

The SPEAKER pro tempore. The Chair is informed that in line 9, on page 2, the word "discretion" is misspelled. Without objection, the spelling will be corrected.

There was no objection.

Mr. CRAMTON. Mr. Speaker, I offer an amendment to include authority to call upon the Interior Department for assistance, as well as the other departments. Will the gentleman from Virginia [Mr. BLAND] agree to that?

Mr. BLAND. I do not object to that.

The SPEAKER pro tempore. The gentleman from Michigan [Mr. CRAMTON] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. CRAMTON: Page 3, line 9, after the words "Navy Department," insert "the Interior Department," and in line 13, after the words "Navy Department," insert "the Interior Department."

The amendments were agreed to.

The joint resolution as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

SPECIAL REPORTS ON DISEASES OF CATTLE

The next business on the Consent Calendar was the resolution (H. J. Res. 323) to authorize the printing with illustrations and binding in cloth of 125,000 copies of the Special Report on the Diseases of Cattle.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection to the present consideration of the joint resolution?

Mr. LAGUARDIA. Mr. Speaker, I object.

Mr. PATTERSON. Will the gentleman reserve his objection?

Mr. LAGUARDIA. I will withhold it for a moment. I just want to state to the chairman of the Committee on Printing that there are about 50,000 copies of this document in the folding room now.

Mr. PATTERSON. The Members can not get them.

Mr. BEERS. The Department of Agriculture has asked for them.

Mr. LAGUARDIA. For 120,000?

Mr. BEERS. Yes.

Mr. LAGUARDIA. Why do you not ask for 60,000?

Mr. BEERS. Sixty thousand for the cattle?

Mr. LAGUARDIA. Thirty thousand for the cattle and 30,000 for the horses?

Mr. BACON. How much will this cost?

Mr. LAGUARDIA. Sixty thousand dollars.

Mr. BEERS. Oh, no.

Mr. LAGUARDIA. I have the bill in my hand.

Mr. BEERS. It will cost $54,818.

Mr. LAGUARDIA. But the bill provides for $60,000.

Mr. BEERS. That is the extent to which they can go, but the actual cost will be $54,818.

Mr. LAGUARDIA. Will the gentleman accept an amendment reducing it from 60,000 to 30,000?

Mr. BEERS. No; that will not be sufficient.

Mr. LAGUARDIA. But there are a great many in the folding room now.

Mr. BEERS. But they are not available.

Mr. PATTERSON. I will say that there is a very great demand for these books. People are going into the dairy business and want them. Some of the Congressmen do not have any at all and can not get them.

Mr. LAGUARDIA. They are downstairs in the folding room.

Mr. PATTERSON. They will not give them to us. I do not know how many are down there.

Mr. LAGUARDIA. If the city Members do not use their allowance, it is foolish to give them another allowance. I should think if you have 60,000 more there would be sufficient for the Members representing the rural districts.

Mr. BEERS. But we have not got 60,000.

Mr. LEAVITT. Could the gentleman not amend the bill to provide that the distribution will be among those who do not have any allotment now?

Mr. LAGUARDIA. That certainly would be the logical, sensible, and economical thing to do.

Mr. BEERS. But it is impossible to get other Members to agree to anything like that.

Mr. McCLINTIC of Oklahoma. Will the gentleman suggest some method by which the copies now in the folding room can be made available to Members?

Mr. LAGUARDIA. A resolution should be introduced throwing them back into the pot. That is what should be done. It is certainly a waste of money to appropriate for thousands of books for city Members on diseases of cattle.

Mr. McCLINTIC of Oklahoma. I wish the gentleman would suggest some method whereby we can get them.

Mr. BACON. Has the Budget approved this item?

Mr. LAGUARDIA. The Budget does not know anything about it.

Mr. BEERS. The Department of Agriculture recommends it.

Mr. JENKINS. I will say to the gentleman from New York [Mr. LAGUARDIA] that I will be glad to have all of his copies.

The regular order was demanded.

The SPEAKER pro tempore. Is there objection?

Mr. LAGUARDIA. For the present, Mr. Speaker, I object.

DISEASES OF THE HORSE

The next business on the Consent Calendar was House Joint Resolution 324, to authorize the printing with illustrations and binding in cloth of 62,000 copies of the Special Report on the Diseases of the Horse.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. Is there objection to the present consideration of the resolution?

Mr. LAGUARDIA. Mr. Speaker, I object.

COPYRIGHT REGISTRATION OF DESIGNS

The next business on the Consent Calendar was the bill (H. R. 11852) amending the statutes of the United States to provide for copyright registration of designs.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. RAMSPECK. Mr. Speaker, I object.

Mr. McCLINTIC of Oklahoma. Will the gentleman withhold his objection?

Mr. RAMSPECK. Yes; I will withhold it.

Mr. McCLINTIC of Oklahoma. I yield to the gentleman from Texas for the purpose of an explanation.

Mr. LANHAM. Mr. Speaker, it so happens that the chairman of the committee is ill to-day, and in his absence I should like very much to answer any objection which may be urged to this measure. The committee has given it full and serious consideration and wishes to submit some amendments from the committee.

Mr. RAMSPECK. May I ask the gentleman if those amendments are the ones proposed by the retail merchants who objected to this bill?

Mr. LANHAM. One of these amendments is an amendment agreed to between the retail merchants and the manufacturers. The others are purely matters of form.

Mr. STAFFORD. Mr. Speaker, I ask unanimous consent that this bill may be passed over without prejudice, so that the gentleman may have the privilege of inserting the proposed amendments in the RECORD.

Mr. DYER. He can do that now, Mr. Speaker.

Mr. LANHAM. I hope the gentleman will not object. We have had this matter before the committee for some time. This is not the general copyright bill.

The SPEAKER pro tempore. The gentleman from Wisconsin asks unanimous consent that the bill may be passed over without prejudice. Is there objection?

Mr. DYER. I object.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. STAFFORD. I object.

MILL FOUR DRAINAGE DISTRICT, LINCOLN COUNTY, OREG.

The next business on the Consent Calendar was the bill (S. 3898) granting the consent of Congress to the Mill Four Drainage District, in Lincoln County, Oreg., to construct, maintain, and operate dams and dikes to prevent the flow of waters of Yaquina Bay and River into Nutes Slough, Boones Slough, and sloughs connected therewith.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, I think the House is entitled to a little more information than that contained in the report. The report is absolutely void of any complete information regarding the bill.

I ask unanimous consent that the bill may be passed over without prejudice.

The SPEAKER pro tempore. Is there objection?

There was no objection.

BRIDGE ACROSS THE MISSOURI RIVER

The next business on the Consent Calendar was the bill (H. R. 11591) to amend the act entitled "An act authorizing the construction of a bridge across the Missouri River opposite to or within the corporate limits of Nebraska City, Nebr.," approved June 4, 1872.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That effective upon the construction and opening for highway use of a bridge across the Missouri River at or near Nebraska City, Nebr., under the provisions of an act approved April 23, 1928, entitled "An act authorizing the Interstate Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near Nebraska City, Nebr., or any amendments thereto, section 1 of an act entitled "An act authorizing the construction of a bridge across the Missouri River opposite to or within the corporate limits of Nebraska City, Nebr.," approved June 4, 1872, be amended to read as follows:

"That it shall be lawful for the Nebraska City Bridge Co., a corporation having authority from the State of Nebraska and from the State of Iowa to build a railroad bridge across the Missouri River opposite to or in the immediate vicinity of Nebraska City, in the county of Otoe, and State of Nebraska, and that, when constructed, all trains of all railroads terminating at the Missouri River at or near the location of said bridge shall be allowed to cross said bridge, for a reasonable compensation, to be paid to the owners thereof; and that said bridge shall not interfere with the free navigation of said river beyond what is necessary in order to carry into effect the rights and privileges hereby granted; and in case of any litigation arising from any obstruction or alleged obstruction to the free navigation of said river, the cause may be tried before the district or circuit court of the United States of any State in or opposite to which any portion of said obstruction or bridge may be."

SEC. 2. Upon and after the events stated in section 1 hereof, the present owner of the bridge aforesaid, its successors or assigns, be, and they hereby are, relieved of further obligation to maintain said bridge except for railroad use.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

BRIDGE ACROSS THE MAHONING RIVER

The next business on the Consent Calendar was the bill (H. R. 11700) to extend the times for commencing and completing the construction of a bridge across the Mahoning River at or near Cedar Street, Youngstown, Ohio.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. PATTERSON. Mr. Speaker, reserving the right to object, is this a free bridge?

Mr. COOPER of Ohio. Yes; it is a free bridge.

Mr. COCHRAN of Missouri. This is a bridge to be built by the county commissioners.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the times for commencing and completing the construction of the bridge across the Mahoning River, at or near Cedar Street, authorized to be built by the Mahoning County Commissioners, by act of Congress approved February 13, 1929, are hereby extended one and three years, respectively, from date of approval thereof.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

With the following committee amendment:

On page 1, line 5, after the word "Street," insert "Youngstown, Ohio"; in line 8, strike out "date of approval thereof" and insert "February 13, 1929."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

MILL FOUR DRAINAGE DISTRICT, LINCOLN COUNTY, OREG.

Mr. HAWLEY. Mr. Speaker, I ask unanimous consent to return to No. 503 on the calendar, Senate bill 3898.

The SPEAKER pro tempore. The gentleman from Oregon asks unanimous consent to return to Senate 3898, No. 503 on the calendar, and vacate the proceedings taken thereon. Is there objection?

Mr. LAGUARDIA. Mr. Speaker, I made the objection to the bill because the report is void of any information. Will the gentleman explain just what the bill covers?

Mr. BLANTON. Mr. Speaker, reserving the right to object, I want to know what the bill is.

Mr. LAGUARDIA. Exactly.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read the title of the bill.

Mr. HAWLEY. The purpose of the bill is this: There are small streams running into the Yaquina River. At the lower part of them there is a tidal estuary and up above the tidal estuary are banks which are covered with various vegetable growths which for a period of years have been enriching the ground. The proposal is to build a dam, with a flood gate, at the lower end of each stream, which will keep the salt water from overflowing this valuable agricultural land. Then when the tide is out they will let the fresh water run out, and this will redeem a considerable area of agricultural land. It will result in no damage to anyone at all.

Mr. McCLINTIC of Oklahoma. Will the gentleman yield?

Mr. HAWLEY. Yes.

Mr. McCLINTIC of Oklahoma. Does this bill require an appropriation on the part of the Government?

Mr. HAWLEY. No appropriation. The dams will be constructed and maintained by the drainage district and will be under the supervision of the War Department.

Mr. McCLINTIC of Oklahoma. What is the object of the legislation?

Mr. HAWLEY. To prevent the salt water from overflowing large areas of agricultural land. The dikes will shut off the salt water and prevent the agricultural land from being impregnated with salt.

Mr. McCLINTIC of Oklahoma. Who will pay for the construction of the dikes?

Mr. HAWLEY. The drainage district.

Mr. McCLINTIC of Oklahoma. And it will in no way affect the Treasury?

Mr. HAWLEY. That is correct.

Mr. PATTERSON. Is the gentleman asking to vacate the proceedings and substitute a Senate bill?

Mr. HAWLEY. I am asking unanimous consent to consider the Senate bill, which was passed over without prejudice.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the consent of Congress is granted to Mill Four Drainage District, organized under the laws of the State of Ore-

gon, to construct, maintain, and operate at points suitable to the interests of navigation dams and dikes for preventing the flow of waters of Yaquina Bay and River into Nutes Slough, Boones Slough, and sloughs connected therewith.

Work shall not be commenced on such dams or dikes until the plans therefor, including plans for all accessory works, are submitted to and approved by the Chief of Engineers and the Secretary of War, who may impose such conditions and stipulations as they may deem necessary to protect the interests of the United States.

SEC. 2. The authority granted by this act shall terminate if the actual construction of the dams and dikes hereby authorized is not commenced within one year and completed within three years from the date of approval of this act.

SEC. 3. The right to alter, amend, or repeal this act is hereby expressly reserved.

With the following committee amendment:

On page 2, in line 2, after the word "therewith," insert "in the State of Oregon."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

PIER AND WHARF AT PORT JEFFERSON HARBOR, N. Y.

The next business on the Consent Calendar was the bill (H. R. 11729) to legalize a pier and wharf at the southerly end of Port Jefferson Harbor, N. Y.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the pier and wharf owned by Edward Post Bayles and his wife, Mary L. Bayles, located on the north side of Surf Avenue, Port Jefferson, Long Island, and at the southerly end of Port Jefferson Harbor, Suffolk County, N. Y., be, and the same is hereby, legalized to the same extent and with like effect as to all existing or future laws and regulations of the United States as if the permit required by the existing laws of the United States in such cases made and provided had been regularly obtained prior to the erection of said pier and wharf: *Provided*, That any changes in said pier which the Secretary of War may deem necessary and order in the interest of navigation shall be promptly made by the owners thereof.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

BRIDGE ACROSS THE ARKANSAS RIVER AT OZARK, ARK.

The next business on the Consent Calendar was the bill (H. R. 11786) granting the consent of Congress to the Arkansas State Highway Commission to construct, maintain, and operate a toll bridge across the Arkansas River, at a point suitable to the interests of navigation, at or near the town of Ozark, Franklin County, Ark.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. PATTERSON. Mr. Speaker, reserving the right to object, and I do not think I shall object, is not this bridge to be built by the State highway commission and as I understand, it is a bridge that is not to be operated for profit?

Mr. PARKS. The gentleman is quite correct.

Mr. PATTERSON. Over the new bridge in Tennessee I notice they charge only 40 cents for an automobile filled with people, and it seems to me that is a reasonable charge.

Mr. PARKS. I think the average price on State-owned toll bridges in my State is 35 cents for a car, and the money that is taken in as tolls is applied to the construction cost of the bridge, and the bridge eventually becomes a free bridge.

Mr. LAGUARDIA. This is an ideal bridge bill, I will say to the gentleman from Alabama.

Mr. SCHAFER of Wisconsin. Reserving the right to object, do these States, in any case, provide free bridges?

Mr. PARKS. Just as soon as the tolls that are collected have paid for the construction of the bridge, they become free bridges. All the money that is collected goes into the payment of the construction of the bridge.

Mr. SCHAFER of Wisconsin. Why should the State exact tolls from the traveling public on a State bridge any more than they should exact tolls from the traveling public on a State public road which connects with the bridge?

Mr. PARKS. The only reason they do it is so that the traveling public may have a bridge on which to cross the river. Without the payment of tolls they can not build these bridges.

Mr. SCHAFER of Wisconsin. The State does not have sufficient funds to erect a free bridge at this particular place?

Mr. PARKS. They have not got the money.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the Arkansas State Highway Commission to construct, maintain, and operate a bridge and approaches thereto across the Arkansas River, at a point suitable to the interests of navigation, at or near the town of Ozark, Franklin County, Ark., in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act.

SEC. 2. If tolls are charged for the use of such bridge, the rates of toll shall be so adjusted as to provide a fund sufficient to pay the reasonable cost of maintaining, repairing, and operating the bridge and its approaches under economical management, and to provide a sinking fund sufficient to amortize financing cost as soon as possible under reasonable charges, but within a period of not to exceed 20 years from the completion thereof. After a sinking fund sufficient for such amortization shall have been so provided, such bridge shall thereafter be maintained and operated free of tolls, or the rates of toll shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper maintenance, repair, and operation of the bridge and its approaches under economical management. An accurate record of the costs of the bridge and its approaches, the expenditures for maintaining, repairing, and operating the same, and of the daily tolls collected, shall be kept and shall be available for the information of all persons interested.

SEC. 3. The right to alter, amend, or repeal this act is hereby expressly reserved.

With the following committee amendments:

Strike out, beginning in line 3, on page 1, all the remainder of page 1 and lines 1, 2, 3, and 4, on page 2, and insert: "That the bridge now being constructed across the Arkansas River at the town of Ozark, Franklin County, Ark., by the Arkansas Highway Commission, if completed in accordance with plans accepted by the Chief of Engineers and the Secretary of War, as providing suitable facilities for navigation, shall be a lawful structure, and shall be subject to the conditions and limitations of the act entitled 'An act to regulate the construction of bridges over navigable waters,' approved March 23, 1906, and subject to the conditions and limitations contained in this act."

Page 3, line 8, insert a new section, as follows:

"SEC. 3. The act of Congress approved April 7, 1930, entitled 'An act granting the consent of Congress to the Arkansas State Highway Commission to construct, maintain, and operate a free highway bridge across the Arkansas River at or near the city of Ozark, Franklin County, Ark.,' is hereby repealed."

Page 3, line 15, strike out the figure "3" and insert the figure "4."

The amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

The title was amended.

DEPORTATION FOR VIOLATION OF NARCOTIC LAW

The next business on the Consent Calendar was the bill (H. R. 3394) to amend section 19 of the immigration act of 1917 by providing for the deportation of an alien convicted in violation of the Harrison narcotic law and amendments thereto.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, while I am in sympathy with the purpose of the bill, I do not think it is necessary. Under the act of May 26, 1922, all aliens who violate the narcotic law are deportable. I do not see the necessity of this bill at all.

Mr. FISH. If I may explain the purpose of the bill I think I can show the distinction and the necessity for having the bill passed. I do not blame the gentleman at all for raising the question he has raised, because the bill the gentleman refers to, of May 26, 1922, is known as the narcotic drug import and export act——

Mr. LAGUARDIA. Right.

Mr. FISH. It only has to do with the importation and the exportation of narcotics, and the man who is convicted and deported under that law must know that the particular narcotics have been imported; in other words, the man who is convicted must know that the particular narcotics have been unlawfully imported.

Mr. LAGUARDIA. Just a moment. Let me read from the act of 1922. Section 2, paragraph (c), provides, that if any

person, fraudulently or knowingly, imports or brings any narcotic drug into the United States or any Territory under its control, and so on, shall be guilty of a crime, and then it imposes the punishment. Then paragraph (e) provides that any alien who at any time after his entry is convicted under subdivision (c) shall, upon termination of the imprisonment imposed by the court, upon such conviction and upon warrants issued by the Secretary of Labor, be taken into custody and deported.

Mr. FISH. Yes.

Mr. LAGUARDIA. Is not that sufficiently broad?

Mr. FISH. The gentleman does not understand it at all. You can not be convicted under the narcotic drug import and export act of 1922 unless you know that the particular drug has been imported and the pending bill has to do with violations of the Harrison Narcotic Act of December 17, 1914, as amended, which contains no provision for deportation.

Mr. STAFFORD. Will the gentleman yield?

Mr. FISH. I yield; certainly.

Mr. STAFFORD. Do I understand it is the purpose of the gentleman from New York to deport every narcotic addict or every user of opium in case he happens to be an alien?

Mr. FISH. The gentleman is correct.

Mr. STAFFORD. The language of the bill is broad enough to deport every unfortunate addict of opium in case he is an alien.

Mr. FISH. I am willing to accept any amendment that strikes out the addict, as the bill is aimed primarily to deport the alien peddlers, many of whom are now in our Federal prisons.

Mr. PARKS. The regular order, Mr. Speaker.

The SPEAKER pro tempore. The regular order is demanded.

Mr. FISH. Mr. Speaker, I ask unanimous consent to be heard out of order for two minutes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. FISH. Mr. Speaker, I wish the gentleman who called for the regular order would reconsider. The purpose of the bill is to deport aliens, violators of the Harrison narcotic law and particularly the peddlers of these evil habit-forming drugs. The number of peddlers sent to Federal prisons each year amounts to several thousand. It is an important measure. In fact it is perhaps too important to come up in this way for unanimous-consent consideration. I hope the gentleman will withdraw his demand for the regular order. If this bill passes it will relieve the congestion in our Federal penitentiaries.

Mr. STAFFORD. Reserving the right to object——

Mr. LAGUARDIA. Mr. Speaker, I object.

Mr. STAFFORD. I have no objection to the bill going over without prejudice. The gentleman from New York says he sees no objection to amendments. The gentleman can prepare his amendments between now and the next call of the Calendar. As the bill is now it would deport every addict of opium in case he is an alien.

The SPEAKER pro tempore. Objection is heard, and the Clerk will report the next bill on the Calendar.

TO PRINT ANNUALLY AS SEPARATE HOUSE DOCUMENT PROCEEDINGS OF NATIONAL ENCAMPMENTS

The next business on the Consent Calendar was House Joint Resolution 250, to print annually as separate House documents proceedings of the national encampments of the Grand Army of the Republic, United Spanish War Veterans, the Veterans of Foreign Wars of the United States, the American Legion, and the Disabled American Veterans of the World War.

The Clerk read the title to the bill.

The SPEAKER pro tempore. Is there objection?

Mr. DYER. Reserving the right to object, I would like to ask the gentleman from Pennsylvania on what theory is this resolution authorizing the publication of the proceedings of these veteran organizations?

Mr. BEERS. This is a bill introduced by Mr. KIESS, and I have nothing to do except to present an amendment.

Mr. DYER. Mr. Speaker, all of these organizations, every one of them, collect dues from their members. I know that, for I happen to belong to one of the orders, and some years ago I was at the head of one of these veteran organizations. All members belonging to them pay dues. This publication of the proceedings of the annual conventions is of interest only to the members of the organizations. They pay dues and they are entitled to these proceedings as a part of the expense for which they maintain the organization by dues.

I think it is going a long way, uselessly, needlessly, and without any excuse, to spend the Government funds for this purpose. I am opposed to this kind of legislation, which is of no special benefit to the public. These veteran organizations can pay for the printing of their proceedings.

Mr. COCHRAN of Missouri. Will the gentleman yield?

Mr. DYER. Yes.

Mr. COCHRAN of Missouri. They are being published now, you can go to the document room and get them.

Mr. DYER. I see that this is an amendment to an existing resolution.

Mr. COCHRAN of Missouri. The reason for this is that at the annual convention they discuss proposed legislation, and in the report Members of Congress find very valuable information as to the views of the veterans on pending legislation.

Mr. DYER. I know; but if that is true, members of the organization can send copies of the proceedings to Members of Congress. Members of these organizations pay dues for the purpose of paying the expenses of the organization, and while I can not afford to enter an objection to adding one more such an organization, I suppose in time every patriotic and veteran organization in the country will be appealing to Congress for the publication of their proceedings.

Mr. LAGUARDIA. The gentleman wants to watch out for the incorporation of these organizations. The first step is to get Congress to incorporate and then pay for the annual reports. If the gentleman will help us in preventing some of these Federal incorporations we will accomplish the end in sight.

Mr. BACON. Are all of these organizations incorporated under the Federal statutes?

Mr. LAGUARDIA. Most of them are.

Mr. BACON. All these here?

Mr. DYER. No; not all of them, but some of them.

Mr. GREEN. Will the gentleman accept an amendment there adding the United Confederate Veterans? There will be only two more encampments, and I think it is nothing but proper that we should add that organization. If the gentleman will add that, I see no objection to the bill.

Mr. DYER. I hope the gentleman will do that.

Mr. BACON. Mr. Speaker, for the time being I object to the bill.

The SPEAKER. Objection is heard.

PRODUCTION AND DEVELOPMENT OF FOREST PRODUCTS

The next business on the Consent Calendar was the bill (H. R. 6981) to promote the better protection and highest public use of the lands of the United States and adjacent lands and waters in northern Minnesota for the production of forest products, the development and extension of recreational uses, the preservation of wild life, and other purposes not inconsistent therewith; and to protect more effectively the streams and lakes dedicated to public use under the terms and spirit of clause 2 of the Webster-Ashburton treaty of 1842 between Great Britain and the United States; and looking toward the joint development of indispensable international recreational and economic assets.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. PITTENGER. Mr. Speaker, I have no objection to the bill going over without prejudice.

Mr. STAFFORD. I object to the bill going over without prejudice.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. PITTENGER. Mr. Speaker, I object.

The SPEAKER pro tempore. It requires three objectors.

Mr. MILLER. Mr. Speaker, I object.

Mr. SCHNEIDER. Mr. Speaker, I object.

CONSTRUCTION OF CERTAIN PUBLIC WORKS AT PHILADELPHIA

The next business on the Consent Calendar was the bill (H. R. 10166) to authorize the Secretary of the Navy to proceed with certain public works at Philadelphia, Pa., and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, I object.

Mr. BLANTON. Mr. Speaker, I object.

Mr. PATTERSON. Mr. Speaker, I object.

APPLYING PENSION LAWS TO COAST GUARD

The next business on the Consent Calendar was the bill (H. R. 12099) to apply the pension laws to the Coast Guard.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, does this bill give the Coast Guard military status?

Mr. KNUTSON. This measure provides that in case of disability they shall be treated exactly like individuals in the Military and Naval Establishments, so far as pensions are concerned.

Mr. LAGUARDIA. The whole trouble with the Coast Guard has been as to whether or not they are a military organization.

Mr. KNUTSON. They are in time of war. In time of war the Coast Guard automatically goes into the Navy.

Mr. LAGUARDIA. Could this bill be construed as giving the Coast Guard a military status in time of peace?

Mr. KNUTSON. No.

Mr. CRAMTON. Mr. Speaker, if the gentleman will yield, there is a certain law for the relief of those who are in the civil service and as to those in the military service there is a law for their relief. Those in the Coast Guard who render hazardous and arduous service do not get the benefit of either law. They are one branch of the Government service that does not get relief under either act.

Mr. LAGUARDIA. How do the tables in the report, on pages 2 and 3, compare with the allowances under the Federal employees' compensation act?

Mr. KNUTSON. The gentleman from Ohio [Mr. JENKINS] was the chairman of the subcommittee which considered the bill. The committee has gone into that quite carefully, and the only thing that this bill does is to cover those who received disabilities into the pension laws, and that is all it does.

Mr. LAGUARDIA. What I am trying to ascertain is whether the allowances as contained in the table are comparable with the allowances for like disabilities provided for civil-service employees, or are they taken from the tables of the Navy?

Mr. KNUTSON. They are taken from the tables of the Navy.

Mr. BACON. The duties of the Coast Guard in times of peace are quite as arduous and hazardous as those of the Army and the Navy in time of peace.

Mr. CRAMTON. This came to my attention through a case several years ago of a man in the Coast Guard who died as a result of disability acquired in line of duty. That was when I found that he did not get relief either of the military or the civil service. And it was stated at that time by an officer of the service:

As the cause of Surfman Patterson's severe sickness and confinement in the marine hospital preceding death was attributed to Surfman Patterson's diving for two boys drowned near the station boathouse, I inquired of the members of the station that were present at the time the drowning occurred, as I recall, during the summer season of 1926.

From the information I received from the members of the station crew who were present at the time of the boys' drowning, Surfman Patterson, motorman of the power lifeboat house, was working at the power boat when he heard the splash of the boys falling off the edge of the steamer dock adjoining the boathouse. Surfman Patterson rushed out and dove off the dock a number of times before the bodies were recovered.

I was further advised by the members of the station crew present that Surfman Patterson, after his efforts, vomited considerable of the foul water that is particularly near the shore and docks inside of the Harbor of Refuge Breakwater.

According to the information received from the station surfman referred to and the widow Patterson, Surfman Patterson did not recover from his diving experience to recover the drowned boys. Consequently was sent to the marine hospital, where he was confined until death occurred.

The death of Surfman Patterson was very lamentable, and, outside of his widow and son, particularly sad for myself, as Surfman Patterson was a first-class, efficient surfman, a man of exemplary habits, and faithful to his duties, and never neglected his efficiency in any manner connected with the position he held during his enlistment under my charge from September 5, 1905, to date of retirement, August 1, 1919.

As I recall, Surfman Patterson was from 45 to 50 years of age at death. It seems to me that under the circumstances that I have been advised that there is due the widow Patterson compensation of some kind to assist her widowhood after so many years of faithful service of her husband, whose record as to faithfulness to his duties no person is in a better position to vouch for than myself.

That is only one instance, and it is almost a daily occurrence.

Mr. LAGUARDIA. Does the gentleman believe that providing for disability in this way is better than by including them into the general law, the general Federal employees' compensation act?

Mr. CRAMTON. I stated to the committee that either one would suit me, but I thought they ought to be taken care of.

Mr. LAGUARDIA. I agree with the gentleman, and I would much prefer to see them under the general law.

Mr. KNUTSON. Our committee could not do that. We are a pension committee.

Mr. DYER. The gentleman's committee is for the purpose of considering pension legislation for veterans of wars.

Mr. KNUTSON. Yes.

Mr. DYER. Exclusively.

Mr. KNUTSON. Yes.

Mr. DYER. And these cases do not come within that category.

Mr. KNUTSON. By taking into consideration the fact that the Navy absorbs the Coast Guard in time of war, we could take and did take jurisdiction of this bill.

Mr. LAGUARDIA. Does the gentleman object to this amendment, "That nothing herein shall be construed as giving a military status to the Coast Guard in time of peace"?

Mr. JENKINS. They already have a military status when they enlist. They are to be covered into the Navy at any time.

Mr. KNUTSON. The Coast Guard is a part of the naval service in time of emergency.

Mr. STAFFORD. Not in time of peace.

Mr. KNUTSON. In time of emergency it automatically goes into the Navy.

Mr. CRAMTON. There is nothing in the bill itself that can be conceived of as affecting their status in that respect. If you put in that amendment, it is possible that the amendment itself might change their status. As the gentleman says, they are a reserve for the Navy. I wanted to be sure that the bill would not change their status.

Mr. STAFFORD. It does change their status.

Mr. KNUTSON. The Coast Guard comes under the pension law in case of disability incurred while in the service of the Navy.

Mr. CRAMTON. The bill simply says that the provision of certain sections of the law, commonly known as the general pension law, shall be extended to the officers and enlisted men of the Coast Guard under the same regulations and restrictions as are or may be provided by law with respect to officers and enlisted men of the Army and Navy. That does not change their status, except to give them a pensionable status.

Mr. KNUTSON. That is the same as the Army and Navy.

Mr. CRAMTON. No. The Congress passed a law giving them a pension.

Mr. KNUTSON. In time of war the Coast Guard men go into the Naval Establishment.

Mr. LAGUARDIA. The gentleman from Minnesota has not got the point that some of us are raising.

Mr. KNUTSON. I have got the point. I am afraid you will change their status. The amendment which the gentleman proposes should have more consideration than we are able to give it in the House.

Mr. LAGUARDIA. Then the gentleman should give it consideration.

Mr. COCHRAN of Missouri. Will the gentleman explain why the employees of the Coast Guard are not subject to the United States employees' compensation law?

Mr. KNUTSON. They ought to be brought under it.

Mr. CRAMTON. So far as I am concerned, I do not care whether you take care of them under the pension laws or under the employees' disability law. Let us unite on the way that is offered here.

Mr. SCHAFER of Wisconsin. I am one of those who believe that legislation should be enacted to provide compensation for members of the Coast Guard who suffer from injury or disease in line of duty and for widows and dependents of such members whose death results from injuries or disease.

I do not think that this bill goes far enough. Take the Patterson case, for instance, which was spoken of by the gentleman from Michigan [Mr. CRAMTON]. Under this bill the widow in that case would receive but $12 a month pension with $2 a month for each minor child. I believe the gentleman should prepare an amendment to extend the United States employees' compensation act to the Coast Guard employees in order to give them proper recognition. The United States employees' compensation act is far more liberal than the general pension law.

Mr. CRAMTON. The gentleman might consider this, that in time of peace that might be all right, but if there comes a war emergency and they are in the service as a part of the Navy, that is a different situation.

Mr. LAGUARDIA. My amendment provides that nothing in this bill shall be construed as giving them a military status in time of peace.

Mr. KNUTSON. If the gentleman will assure me that it will not change their status in that case I accept the amendment.

Mr. BLAND. The law of 1915 specially gives them a military status, and makes them a part of the Treasury administration in time of peace.

Mr. LAGUARDIA. Do I understand the gentleman from Virginia to say that the act of 1915 gives the Coast Guard a military status in time of peace?

Mr. BLAND. They are under the Treasury in time of peace, and that is the reason why the compensation law did not cover them in time of war.

Mr. LAGUARDIA. If that is so, then the bill is all right if they have a military status.

Mr. BLAND. I can show you where it is set forth in the hearings.

Mr. JENKINS. A man who joins the Coast Guard has a military status from the day he enlists.

Mr. SCHAFER of Wisconsin. Then if that is correct, you have this sad state of affairs: An arm of the Military and Naval Establishment enforcing the Federal prohibition law; this is a remarkable situation in democracy.

Mr. BLAND. I read from the hearings on the act of 1915. Admiral Billard says:

The Coast Guard shall constitute a part of the military forces of the United States, and shall operate under the Treasury Department in time of peace and operate with the Navy in time of war, as the President shall direct.

That is a part of the organic law creating the Coast Guard.

Mr. GREENWOOD. Then the law placing them in a military status should not be changed.

Mr. LAGUARDIA. Under that, they are in fact a military organization. If that is so, they would not come under the compensation law, and therefore you provide that the general pension laws be extended in order to cover them and their dependents.

Mr. SCHAFER of Wisconsin. There is nothing to prevent this Congress from extending the benefits of the United States employees' compensation act to the members of the Coast Guard. Under this bill you will give them only the benefits as provided in the general pension law, a pension of $30 a month for total disability while at the same time a stenographer or clerk in time of peace in other Government departments would perhaps get two or three times as much as that for an occupational disease incurred in line of duty under the United States employees' compensation act.

Mr. LAGUARDIA. The gentleman is wrong there, because if a man lost both legs he would get $125.

Mr. SCHAFER of Wisconsin. Oh, yes; but the general pension law rates for total disability approximate about $30 per month for most diseases and disabilities.

Mr. KNUTSON. It is $50 a month, is it not?

Mr. SCHAFER of Wisconsin. No; $30 a month.

Mr. LAGUARDIA. No. That is for inability to perform manual labor.

Mr. KNUTSON. Assuming the gentleman is logical in his theory, why not place the Army and Navy under this Federal compensation act?

Mr. SCHAFER of Wisconsin. Because in my opinion the Army and Navy are on an altogether different plane than the Coast Guard.

Mr. KNUTSON. No; they are not, and that is where the gentleman is mistaken.

Mr. DYER. Regular order, Mr. Speaker!

The SPEAKER pro tempore. Is there objection?

Mr. SCHAFER of Wisconsin. If the regular order is demanded, I shall have to object, Mr. Speaker.

FALSE REPORTS CONCERNING NATIONAL BANKS

The next business on the Consent Calendar was the bill (H. R. 10560) to amend section 22 of the Federal reserve act.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, I want to ask the gentleman from Georgia [Mr. BRAND], who has given a great deal of study to this matter, a few questions for information. In New York there is a State law which takes care of just such cases. I note in the report there are several States which have similar laws. Will the gentleman explain the necessity for a Federal law if this is taken care of by State laws?

Mr. BRAND of Georgia. Yes; I will be glad to do so. The other day there was a man in the State of Oregon who made a radio speech against banks. He was speaking of a very important bank in that State, and that speech was heard in different States. The speech was with reference to the United States National Bank, of Portland, Oreg., and the subject was this bill and the Oregon statutes with reference to libel and slander against banks. In this statement the man said, among other things—and he spoke for some time:

We have in the United States lese majesty. These banks need to have the sawdust knocked out of them. They must be shaken by terrier and shaken right, and I am just the terrier to do the shaking. If they are to belong to the chain gang, then they should be wrecked and wrecked instantly. I regret I was compelled to go into this bank clean-up, but I am in it and I am going to see it through. It was not any doings of mine, but I was forced into it by the chain gang and their backers. This is a fight to the finish, and the winner take all. I do not intend to take any quarter or give any. I am just going to bust this bank business, and that is just what I am going to do.

That was radioed over several States.

Mr. LAGUARDIA. The gentleman from Georgia would not contend that such a statement as that is within the purview of his bill?

Mr. BRAND of Georgia. No. I am citing this instance as an illustration how one may utter false and malicious reports of banks with intent to deceive, and spreading same in different States, in which case, though a general withdrawal of deposits of a bank ensues, State laws do not and can not reach him. This long speech was furnished me by the Comptroller of the Currency, to whom some friend of his had sent it. Another copy of it was sent to me by the American Bankers' Association.

Mr. LAGUARDIA. Under the State law of New York, when an individual makes a specific and direct charge against a particular bank, causing a run on that bank, then it is a penal offense; but, surely, to criticize banking conditions generally would not bring a person within a criminal statute.

Mr. BRAND of Georgia. I do not disagree with the gentleman from New York in his opinion under the case he presents; but, more concretely answering the gentleman's question, I do contend, if a man lives in Alabama and utters false and malicious statements with intent to deceive about a bank in New York, which causes a general withdrawal of deposits, thus bringing him under the provisions of this bill, no law of the State of New York or of the State of Alabama could be invoked against him. Therefore it becomes necessary to have a Federal law in order to protect the banks against such false and malicious statements.

When the first bill was considered you know what happened to it. I introduced a new bill the next day, which, of course, was referred to the Committee on Banking and Currency. This bill now has the hearty approval, which the other one did not have, not only of the American Bankers' Association, not only of the Comptroller of the Currency, who has favorably recommended it twice, but also of Secretary Mellon in a letter to Mr. MCFADDEN, chairman of the Committee on Banking and Currency, over his own signature, and the approval of Governor Young, governor of the Federal Reserve Board, in a letter from him to Mr. MCFADDEN, over his own signature. So the present bill is indorsed by the American Bankers' Association, the Governor of the Federal Reserve Board, the Comptroller of the Currency, and the Secretary of the Treasury.

Mr. COCHRAN of Missouri. Will the gentleman yield?

Mr. BRAND of Georgia. I yield.

Mr. COCHRAN of Missouri. Within the month in St. Louis there was a big bank robbery. Burglars secured entrance to the safety deposit vaults. They broke open many safety deposit boxes. All kinds of charges were made. There was a loss of nearly a million dollars, probably more. The chief of police of St. Louis made the statement that it was an inside job. They assailed him for making that statement. There was a run on the bank and over a million dollars was withdrawn. The bank stood the run. Would the chief of police be subject to prosecution under this bill? It was a national bank. It was his opinion. He had made an investigation.

Mr. BRAND of Georgia. If what the gentleman says amounts to a false and malicious statement made with intent to deceive and caused the bank to break, on account of a general withdrawal of deposits, he would come under the provisions of this law. Otherwise it is not a violation of the proposed bill.

Mr. COCHRAN of Missouri. Nobody will ever know whether it was a false and malicious statement unless those responsible confess. I do not think we could hardly say whether it was malicious. We will not know whether it was a false statement until they actually find out who robbed the bank. This is a dangerous bill. It is wide open. We should move with care before passing such legislation.

Mr. BRAND of Georgia. No conviction can be had under this bill unless it is proven that one makes false and malicious reports concerning a bank, with intent to deceive, and that the reports caused a general withdrawal of deposits. These are the material allegations which are necessary to be proven before a conviction may be had.

Mr. DYER. Mr. Speaker, I ask unanimous consent that this bill go over without prejudice.

The SPEAKER pro tempore. The gentleman from Missouri asks unanimous consent that the bill go over without prejudice. Is there objection?

There was no objection.

Mr. BRAND of Georgia. Mr. Speaker, I ask unanimous consent that I may have the right to extend my remarks on this legislation and to include printing the bill, which is very short, the report, and the excerpt from the radio speech which I spoke of just now.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

Mr. KVALE. Mr. Speaker, reserving the right to object, the gentleman from Georgia, in answer to the gentleman from New York, did not state whether or not he cited this radio address as an instance of one of the punishable offenses under the proposed law?

Mr. BRAND of Georgia. No; I did not. I would have to read the whole of the speech before I would be willing to express an opinion as to his guilt.

Mr. LAGUARDIA. Answering specifically the inquiry made by my colleague, the quotation which the gentleman read from this radio speceh would not be a violation of the gentleman's bill?

Mr. BRAND of Georgia. I have already stated that the excerpt which I quoted does not constitute an offense. I do not express any opinion as to whether construing the whole speech would do so or not.

Mr. KVALE. I have no objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. BRAND of Georgia. Mr. Speaker, under the leave to extend my remarks in the RECORD I include the following:

On the next day after the bill, H. R. 9683, which deals with similar legislation and which by vote of the House was recommitted to the Banking and Currency Committee of the House for further consideration, I introduced the following bill:

A bill to amend section 22 of the Federal reserve act

Be it enacted, etc., That section 22 of the Federal reserve act be amended by adding at the end thereof the following language:

"(g) Whoever maliciously, with intent to deceive, makes, publishes, utters, repeats, or circulates any false report concerning any national bank, or any State member bank of the Federal reserve system, which causes a general withdrawal of deposits from such bank, shall be deemed guilty of a misdemeanor and shall upon conviction in any court of competent jurisdiction be fined not more than $1,000 or imprisoned for not more than one year, or both."

This bill was considered by the Banking and Currency Committee and favorably reported to the House for approval.

By comparison of the two bills it will appear that all the objections urged to H. R. 9683 are eliminated from the bill H. R. 10560 which is now pending before the House.

While H. R. 9683 was a draft of a bill prepared originally by the American Bankers' Association and approved by the Finance Committee of the Senate and the Banking and Currency Committee of the House when the McFadden bill was up for consideration, it is not clear to my mind that the same was not subject to some of the objections urged against the bill by the gentleman from Iowa, Mr. RAMSEYER, and others who participated in the discussion of the bill.

In addition to this, while the Treasury Department was supposed to be favorable to the passage of the original bill, H. R. 9683, as a matter of fact no written recommendation for its passage was furnished to the committee by the Treasury Department except in the case of Mr. Pole, the Comptroller of the Currency, who in his last two annual reports submitted to Congress has expressly recommended the enactment of this legislation.

The Banking and Currency Committee, after consideration of bill H. R. 10560, reported favorably thereon with the recommendation that the bill do pass.

This proposed legislation has the recommendation of the Comptroller of the Currency, which is as follows:

It is again recommended that a law be enacted making it a criminal offense to maliciously or with intent to deceive, make, publish, or circulate any false report concerning any national bank or any other member of the Federal reserve system which imputes insolvency or unsound financial condition, or which may tend to cause a general withdrawal of deposits from such bank or may otherwise injure the business or good will of such bank.

This legislation is also indorsed by the American Bankers' Association, as shown in a letter reading as follows:

Your bill * * * to punish libel and slander of National and State bank members of the Federal reserve system has the hearty approval of the American Bankers' Association. Instances are most frequent where malicious persons from a variety of motives circulate malicious stories affecting the standing and solvency of particular banks which very often have the effect of causing serious injury and loss. The banks certainly need the protection of a Federal statute of this kind which will act as a deterrent to many malicious individuals who, in the absence of a punitive statute, can freely circulate unfounded and injurious statements without fear of punishment.

This identical bill (H. R. 10560) has the written indorsement of Hon. A. W. Mellon, Secretary of the Treasury, over his own signature, in a letter addressed to Hon. LOUIS T. MCFADDEN, chairman of the Banking and Currency Committee, which is as follows:

TREASURY DEPARTMENT,
Washington, April 4, 1930.

Hon. LOUIS T. MCFADDEN,
Chairman Committee on Banking and Currency,
House of Representatives.

MY DEAR MR. CHAIRMAN: Reference is made to your letter of March 10 requesting an expression of my views with regard to the bill (H. R. 10560) to amend section 22 of the Federal reserve act, so as to make it a crime punishable under Federal law to circulate false reports concerning national banks or State member banks of the Federal reserve system. After consultation with the Federal Reserve Board and the Comptroller of the Currency, it is the view of the Treasury Department that the enactment of this bill would be beneficial to national banks and State member banks as well as to their depositors and stockholders.

The circulation of unfounded statements regarding a banking institution not infrequently causes serious damage to the bank by bringing about a general withdrawal of deposits therefrom, and as a result the stockholders and depositors of the bank may, in case of failure of the bank, suffer financial loss. It is believed that member banks of the Federal reserve system are entitled to have protection under Federal statutes from such statements when maliciously made and with intent to deceive. The proposed law would tend to deter malicious individuals from making or circulating such false statements.

It is understood that a number of States have enacted statutes similar to that proposed in this bill, which apply to banking institutions in those States. It would seem that all national and all State member banks should have the benefit of legislative protection from malicious attacks of this kind, against which there appears to be no other effectual means of protection. The proposed bill would also serve to protect against such misstatements which are made in one State concerning a bank in another State, as State laws are not ordinarily effectual against these.

It seems clear that the proposed legislation would be constitutional in view of the decision of the Supreme Court of the United States in the case of Westfall *v.* United States (274 U. S. 256), in which the court held in substance that it is within the power of Congress to enact any legislation which Congress deems appropriate for the purpose of protecting national banks and State banks which are members of the Federal reserve system.

Similar legislation has been repeatedly recommended by the Comptroller of the Currency in his annual reports to Congress.

For the reasons which have been stated above, the Treasury Department favors the enactment of H. R. 10560.

Very truly yours,

A. W. MELLON,
Secretary of the Treasury.

The pending bill, H. R. 10560, has also the indorsement of the governor of the Federal Reserve Board over his own signature in a letter addressed to Chairman MCFADDEN, which is as follows:

FEDERAL RESERVE BOARD,
Washington, March 27, 1930.

Hon. LOUIS T. MCFADDEN,
Chairman Banking and Currency Committee,
House of Representatives, Washington, D. C.

SIR: Reference is made to your letter of March 10, in which you request an expression of the views of the Federal Reserve Board with reference to the provisions of the bill (H. R. 10560) to amend section 22 of the Federal reserve act so as to make it a crime punishable under Federal law to circulate false reports concerning national banks or State member banks. After a careful consideration of the provisions of this bill the Federal Reserve Board is of the opinion that its enactment would be beneficial to national banks and State member banks as well as to their depositors and stockholders.

The circulation of unfounded statements regarding a banking institution not infrequently causes serious damage to the bank by bringing about a general withdrawal of deposits therefrom, and as a result the stockholders and depositors of the bank may in case of failure of the bank suffer financial loss. The Federal Reserve Board feels that

member banks of the Federal reserve system are entitled to have protection under Federal statutes from such statements when maliciously made and with intent to deceive. The proposed law would tend to deter malicious individuals from making or circulating such false statements.

The Federal Reserve Board understands that a number of States have enacted statutes similar to that proposed in this bill, which apply to banking institutions in those States. The board feels that all national and all State member banks should have the benefit of legislative protection from malicious attacks of this kind against which there appears to be no other effectual means of protection. The proposed bill would also serve to protect against such misstatements which are made in one State concerning a bank in another State, as State laws are not ordinarily effectual against these.

It seems clear that the proposed legislation would be constitutional in view of the decision of the Supreme Court of the United States in the case of Westfall *v.* United States (274 U. S. 256), in which the court held in substance that it is within the power of Congress to enact any legislation which Congress deems appropriate for the purpose of protecting national banks and State banks which are members of the Federal reserve system.

For the reasons which have been stated above the Federal Reserve Board favors the enactment of H. R. 10560.

Respectfully,

R. A. YOUNG, *Governor.*

The following States have enacted a slander and libel of bank act, which acts are, as a rule, stronger and more drastic than the bill H. R. 10560, which this committee has favorably reported to the House: New York, Connecticut, New Jersey, Delaware, Maryland, Pennsylvania, West Virginia, Ohio, Michigan, Wisconsin, Indiana, Kentucky, Illinois, Missouri, Arkansas, Louisiana, Alabama, Rhode Island, Florida, Georgia, South Carolina, North Carolina, Texas, Oklahoma, Kansas, Wyoming, Colorado, New Mexico, Arizona, Utah, Idaho, Washington, Oregon, Nevada, California, Iowa (1929), and Nebraska (1930).

The States which have not passed such an act are as follows: Maine, Vermont, New Hampshire, Massachusetts, Virginia, Tennessee, Mississippi, North Dakota, Minnesota, South Dakota, and Montana.

Statutes passed in 37 States and Alaska.

These 37 States and Alaska have such laws, but they do not extend to interstate slanders, and there is some doubt existing in the minds of good lawyers whether such State laws protect national banks. It must be borne in mind that the present bill deals with national banks and other banks which are members of the Federal reserve system.

Although the majority of our States have enacted bank slander laws, any one State law does not reach into another State. Therefore, where false and malicious reports may be circulated from State to State, by wire, telephone, or radio, neither State can reach the offender in the other State. There are a number of such instances reported from time to time, and while bank slander bills have been passed in a majority of the States, as indicated above, a man who may be in California, and maliciously publishes or circulates information derogatory, for instance, to a bank in St. Louis, the State law of Missouri can not reach this man, nor can any law effective in California assume any jurisdiction.

The only recourse will be a Federal law to reach all cases, as it is perfectly apparent that all interests desire and need such a law.

COAST GUARD

Mr. KNUTSON. Mr. Speaker, I ask unanimous consent to return to H. R. 12099, a bill to apply the pensions laws to the Coast Guard, being No. 519 on the Consent Calendar.

The SPEAKER pro tempore. The gentleman from Minnesota asks unanimous consent to return to H. R. 12099. Is there objection?

Mr. SABATH. Mr. Speaker, I object.

INCREASED CHARGE FOR RETURN RECEIPTS FOR DOMESTIC REGISTERED AND INSURED MAIL

The next business on the Consent Calendar was the bill (H. R. 8649) to authorize the Postmaster General to collect an increased charge for return receipts for domestic registered and insured mail when such receipts are requested after the mailing of the articles.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. PATTERSON. Mr. Speaker, I reserve the right to object so that the gentleman from Pennsylvania may explain the bill.

Mr. KELLY. Mr. Speaker, I would like a moment to state the purpose of this bill. Legislation is requested by the Post Office Department with the view of somewhat augmenting the postal revenues and at the same time furnishing a valuable service to users of the mail. At the present time one who registers a letter may, upon the payment of 3 cents, receive a return-receipt card containing the signature of the addressee. However, after it has been mailed without such payment it is impossible to get such a receipt card. This measure in part provides that on the payment of 5 cents, after the letter has been registered and mailed, a return receipt may be secured.

Mr. BLANTON. Will the gentleman yield?

Mr. KELLY. Yes.

Mr. BLANTON. If the gentleman now mails a letter to Pennsylvania and he wants to get it back he can write to the postmaster and have it sent back without an extra cent's charge. That being true, why should he not be allowed to do it when it is registered? The registry fee has been paid and if the sender wants to get it back without extra charge why should he not have that right?

Mr. LAGUARDIA. That is not the purpose. The purpose of this bill is to furnish a sort of detective service for 10 cents.

Mr. KELLY. No; that is not the purpose of the bill at all.

Mr. LAGUARDIA. Here is a letter which shows its purpose:

> Such a provision would be of very great help in locating debtors who, to escape their debts, go into hiding, taking all possible pains to conceal their present whereabouts.

The regular order was demanded.

The SPEAKER pro tempore. The regular order is demanded. Is there objection?

Mr. LAGUARDIA, Mr. BOYLAN, and Mr. BLANTON objected.

POSTAGE CHARGE FOR DIRECTORY SERVICE

The next business on the Consent Calendar was the bill (H. R. 11096) to provide a postage charge for directory service.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA, Mr. BOYLAN, and Mr. BLANTON objected.

Mr. KELLY. Mr. Speaker, I ask unanimous consent to proceed for two minutes out of order.

The SPEAKER pro tempore. The gentleman from Pennsylvania asks unanimous consent to proceed for two minutes out of order. Is there objection?

Mr. EDWARDS. I object.

Mr. KELLY. Mr. Speaker, for the information of the House, I repeat my request.

Mr. EDWARDS. Reserving the right to object, I will say to the gentleman that he can get an opportunity to extend his remarks in the RECORD and we can read them there. I object.

Mr. KVALE. Mr. Speaker, I ask unanimous consent that the gentleman from Pennsylvania may have one minute. Every Member has had letters and telegrams upon this subject.

The SPEAKER pro tempore. The gentleman from Minnesota asks unanimous consent that the gentleman from Pennsylvania may proceed for one minute. Is there objection?

Mr. EDWARDS. I shall object unless the gentleman can have 5 or 10 minutes.

Mr. KVALE. Mr. Speaker, I ask unanimous consent that the gentleman may proceed for five minutes.

Mr. COCHRAN of Missouri. The gentleman could not explain this bill in 20 minutes, but let him have 5 minutes.

The SPEAKER pro tempore. The gentleman from Minnesota asks unanimous consent that the gentleman from Pennsylvania may proceed for five minutes. Is there objection?

There was no objection.

Mr. KELLY. Mr. Speaker, I appreciate the courtesy of this time given me. I think it is due to the Members of the House to to have the misinterpretation of this bill cleared up. Every Member has received letters from various mail users stating that this is a bill to assess a 5-cent fee upon every letter that has directory service given to it in the Post Office Service. Such was never the intention of the author of the bill, of the Post Office Department, or of the Post Office Committee. The inception of this idea originated in the Post Office Department, which presented a bill providing that where directory service is given a fee of 2 cents would be charged, and it would be levied against the addressee who received the mail. The House Post Office Committee unanimously refused to accept such a provision. The Senate, however, did pass that bill, and it is now on the Speaker's table.

The House committee brought out an entirely different provision, intended to provide that where the mail user desires to have a card returned with the correct address when such directory service is given, he may signify his desire to the postmaster and print it on his envelope, under regulations of the Postmaster General. Then, when the directory service is given, a card shall be sent back giving the correct address, and

on the receipt of that card a 5-cent fee shall be paid by the mailer. It applies to no mail user at all except those that request the service and are desirous of having the corrected addresses. Some of the largest mail users in the country have asked us to give them such a service, and we are endeavoring to do it. This is the only purpose of the bill, and the letters that have come in have been based on a total misapprehension of the purpose of the Post Office Committee. However, we propose to make it absolutely clear by an amendment to the House bill.

Mr. BLANTON. Will the gentleman yield for a question?

Mr. KELLY. Certainly.

Mr. BLANTON. Suppose a farmer requests directory service on his letter. He has not the correct address, and he has not access to a city directory. Does not the gentleman think this is a service the department can well afford to render, especially when on every Saturday Evening Post the Department delivers anywhere in the United States there is a distinct financial loss to the Government? Why should you charge the mail user in the rural district a fee for giving directory service?

Mr. KELLY. The gentleman is mistaken in both of his premises. In the first place, it costs the Post Office Department $6,000,000 a year now for directory service and not a cent is received for it. This new service will not affect the farmer who gets directory service or anybody else, except those who desire to correct mailing lists. Directory service will be given under this bill exactly as it is given at present, but if a mail user with many names on his list desires to correct his addresses and submits a request to the postmaster and prints it on his stationery, he will get the addresses back on special cards and will then pay the 5-cent fee for each card.

Mr. SABATH. Will the gentleman yield?

Mr. KELLY. I yield.

Mr. SABATH. The gentleman stated, in answer to the gentleman from Texas, that he was wrong when he charged that the Government loses money on its delivery of the Saturday Evening Post. I would like to have a little information about that, if the gentleman has any.

Mr. KELLY. I will state to the gentleman——

Mr. SABATH. The gentleman made a direct charge, and the gentleman is denying it.

Mr. KELLY. The Saturday Evening Post, if the gentleman please, and every other publication that weighs 8 ounces or more now going through the mails at regular second-class rates pays the full cost of its carriage. When it weighs over 1 pound it pays a profit to the Post Office Department. The large loss on second-class mail is due to the little papers, some of them 120 to the pound, which require separate handling in the post office and separate delivery. The loss is in that class, and not in those that weigh over 8 ounces.

Mr. COCHRAN of Missouri. Will the gentleman yield for a question with respect to the bill?

Mr. KELLY. Yes.

Mr. COCHRAN of Missouri. The bill, as I understand, states that under such regulations as the Postmaster General may prescribe, a charge of 5 cents in addition to the regular postage shall be made for each piece of insufficiently or improperly addressed mail which is accorded directory service. If I send a letter——

The SPEAKER pro tempore. The time of the gentleman from Pennsylvania has expired.

Mr. COCHRAN of Missouri. Mr. Speaker, I ask unanimous consent that the gentleman may proceed for one minute more.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. COCHRAN of Missouri. If I sent a letter to John Jones, addressed to a certain street, and directory service is used, the man having moved, and the letter is sent to him at another address, according to this bill there is a 5-cent charge. The gentleman can not get away from that, under the wording of the bill.

Mr. KELLY. In answer to that I will say that such a charge was never intended by the House Post Office Committee, which steadfastly refused to approve even a 2-cent fee for all directory service. However, in order that there shall be no doubt about its purpose, when this bill is considered an amendment will be offered to make the bill read as follows:

That under such regulations as the Postmaster General may prescribe, in cases where insufficiently or improperly addressed mail is given directory service in order to effect its delivery, the mailer, at his request, and upon payment of an additional charge of 5 cents, shall be notified of the completed or corrected address: *Provided,* That nothing in this act shall be construed to require or permit the withholding or delay of delivery of mail to the addressee.

Mr. COCHRAN of Missouri. I want to say to the gentleman that the only good part of the bill is the last paragraph regarding the franking privilege.

Mr. KELLY. I feel confident the gentleman, upon reflection, will change his mind about that, but in any case I wanted to let the membership of the House understand what the committee is trying to do through this legislation.

FEDERAL POWER COMMISSION

Mr. PARKER. Mr. Speaker, I move to suspend the rules and pass the bill (S. 3619) to reorganize the Federal Power Commission, with a committee substitute and a committee amendment to the substitute.

The SPEAKER. The gentleman from New York moves to suspend the rules and pass the bill S. 3619, as amended. The Clerk will report the bill as amended.

The Clerk read as follows:

That sections 1 and 2 of the Federal water power act are amended to read as follows:

"That a commission is hereby created and established, to be known as the Federal Power Commission (hereinafter referred to as the 'commission') which shall be composed of five commissioners who shall be appointed by the President, by and with the advice and consent of the Senate, one of whom shall be designated by the President as chairman and shall be the principal executive officer of the commission: *Provided,* That after the expiration of the original term of the commissioner so designated as chairman by the President, chairmen shall be elected by the commission itself, each chairman when so elected to act as such until the expiration of his term of office.

"The commissioners first appointed under this section, as amended, shall continue in office for terms of 1, 2, 3, 4, and 5 years, respectively, from the date this section, as amended, takes effect, the term of each to be designated by the President at the time of nomination. Their successors shall be appointed each for a term of five years from the date of the expiration of the term for which his predecessor was appointed, except that any person appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed only for the unexpired term of such predecessor. Not more than three of the commissioners shall be appointed from the same political party. No person in the employ of or holding any official relation to any licensee or to any person, firm, association, or corporation engaged in the generation, transmission, distribution, or sale of power, or owning stock or bonds thereof, or who is in any manner pecuniarily interested therein, shall enter upon the duties of or hold the office of commissioner. Said commissioners shall not engage in any other business, vocation, or employment. No vacancy in the commission shall impair the right of the remaining commissioners to exercise all the powers of the commission. Three members of the commission shall constitute a quorum for the transaction of business, and the commission shall have an official seal of which judicial notice shall be taken. The commission shall annually elect a vice chairman to act in case of the absence or disability of the chairman or in case of a vacancy in the office of chairman.

"Each commissioner shall receive an annual salary of $10,000, together with necessary traveling and subsistence expenses, or per diem allowance in lieu thereof, within the limitations prescribed by law, while away from the seat of government upon official business.

"The principal office of the commission shall be in the District of Columbia, where its general sessions shall be held; but whenever the convenience of the public or of the parties may be promoted or delay or expense prevented thereby, the commission may hold special sessions in any part of the United States.

"SEC. 2. The commission shall have authority to appoint, prescribe the duties, and fix the salaries of, a secretary, a chief engineer, a general counsel, and a chief accountant; and may, subject to the civil service laws, appoint such other officers and employees as are necessary in the execution of its functions and fix their salaries in accordance with the classification act of 1923, as amended. The commission may request the President to detail an officer or officers from the Corps of Engineers, or other branches of the United States Army, to serve the commission as engineer officer or officers, or in any other capacity, in field work outside the seat of government, their duties to be prescribed by the commission; and such detail is hereby authorized. The President may also, at the request of the commission, detail, assign, or transfer to the commission engineers in or under the Departments of the Interior or Agriculture for field work outside the seat of government under the direction of the commission.

"The commission may make such expenditures (including expenditures for rent and personal services at the seat of government and elsewhere, for law books, periodicals, and books of reference, and for printing and binding) as are necessary to execute its functions. Expenditures by the commission shall be allowed and paid upon the presentation of itemized vouchers therefor, approved by the chairman of the commission or by such other member or officer as may be authorized by the commission for that purpose."

SEC. 2. Subsection (c) of section 4 of the Federal water power act is amended by adding at the end thereof the following new sentence: "Such report shall contain the names and show the compensation of the persons employed by the commission."

SEC. 3. Notwithstanding the provisions of section 1 of this act the Federal Power Commission as constituted upon the date of the approval of this act shall continue to function until the date of the reorganization of the commission pursuant to the provisions of such section. The commission shall be deemed to be reorganized upon such date as three of the commissioners appointed as provided in such section 1 have taken office, and no such commissioner shall be paid salary for any period prior to such date.

SEC. 4. This act shall be held to reorganize and continue the Federal Power Commission created by the Federal water power act, and not to create a new commission, and no investigation or other proceeding under the Federal water power act pending at the time of the approval of this act shall abate or be otherwise affected by reason of the provisions of this act.

The SPEAKER. Is a second demanded?

Mr. O'CONNOR of Louisiana. Mr. Speaker, I demand a second.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. O'CONNOR of Louisiana. I am.

Mr. PARKER. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The gentleman from New York is recognized for 20 minutes and the gentleman from Louisiana [Mr. O'CONNOR] is recognized for 20 minutes.

Mr. PARKER. Mr. Speaker, I ask unanimous consent that section 2 of the bill be read again.

The SPEAKER. Without objection, the Clerk will report section 2.

The Clerk read as follows:

SEC. 2. The commission shall have authority to appoint, prescribe the duties, and fix the salaries of a secretary, a chief engineer, a chief counsel, a solicitor, and a chief accountant; and may, subject to the civil service laws, appoint such other officers and employees as are necessary in the execution of its functions and fix their salaries in accordance with the classification act of 1923, as amended. The commission may request the President to detail an officer or officers from the Corps of Engineers, or other branches of the United States Army, to serve the commission as engineer officer or officers, or in any other capacity, in field work outside the seat of government, their duties to be prescribed by the commission; and such detail is hereby authorized. The President may also, at the request of the commission, detail, assign, or transfer to the commission engineers in or under the Departments of the Interior or Agriculture for field work outside the seat of government under the direction of the commission.

Mr. HUDDLESTON. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HUDDLESTON. Section 2 as read the second time is different from the motion first made.

The SPEAKER. The gentleman from New York moved to suspend the rules and pass the bill as amended.

Mr. HUDDLESTON. Yes; but there was a change made the second time it was read. There was an interpolation of an officer not mentioned in the first reading in the motion made. I insist on the motion as made and not as read the second time.

Mr. PARKER. Will the gentleman allow me to make an explanation?

Mr. HUDDLESTON. I will reserve the point of order.

Mr. PARKER. I wish to state to the gentleman that there was a change of two words. One was taking out "general" and putting in "chief," and that cut down the salary of that official $1,000. The second one was the word "solicitor" was put in by the committee this morning. That was for the reason that there has been a great deal of controversy in the Water Power Commission, and we did not believe that we should take any part in that controversy. That was the reason it was put back. It was an inadvertence.

Mr. HUDDLESTON. Mr. Speaker, my point of order is that I insist on the motion as originally made as read by the Clerk, which does not include the word "solicitor" as now read in line 14 of the amendment, and the word "general" instead of "chief." I might suggest that if it is necessary to make the amendment it can be made in the Senate.

Mr. HOCH. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. HOCH. I understood the gentleman from New York moved to suspend the rules and pass the bill with an amendment; and this is a part of the amendment that was suggested.

The SPEAKER. But the point is made that this amendment was not read by the Clerk at this time.

Mr. HOCH. It was the Clerk's mistake.

The SPEAKER. The Chair is informed by the Clerk that he read what was sent to the desk.

Mr. PARKER. The Clerk did.

Mr. MAPES. Mr. Speaker, I ask unanimous consent that the proceedings be vacated.

The SPEAKER. The gentleman from Michigan asks unanimous consent that the gentleman from New York may be permitted to withdraw his original motion. Is there objection?

Mr. HUDDLESTON. I object.

Mr. STAFFORD. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. STAFFORD. If at the expiration of the time for the consideration of this bill the House refuses to suspend the rules by a two-third vote, would it be in order for the Chair to recognize the gentleman from New York to move to suspend the rules and pass the bill in the proposed amended form?

The SPEAKER. That could not be done to-day.

Mr. PARKER. Mr. Speaker, this bill is in exact accordance with the recommendation contained in the President's message. The Water Power Commission is composed of three Secretaries—the Secretary of Agriculture, the Secretary of the Interior, and the Secretary of War. These gentlemen are very busy with their own particular Departments. The testimony before our committee was that they had given but very little time to this great important question, for the reason that they had not the time to devote to it. The activities of the commission have been absolutely performed by the various subordinates, employees of the commission. We propose to set up a commission of five commissioners, full-time men, who have no interest whatever in any power scheme at all, who will give their entire time to this proposition; and let me assure you, gentlemen, that this is one of the most important questions before the American people to-day. Within a very short time the transmission of electricity will be one of the greatest questions before the American people. Why have we not put in more regulatory legislation? At the present time of all the electricity generated in this country only 5 per cent goes over State lines that is not regulated by the State.

The courts decided that a State could regulate the electric power going over a State line if the Federal Government failed to do it. Only 5 per cent of a hundred per cent is not regulated, and this bill preserves to the commission all of the regulations that the present commission has. But that is not the main point that we wish to accomplish. The main point that we wish to accomplish is the matter of valuation. Let me tell you the number of plants that have been licensed and that have not been valued. They have not been valued because there was no commission to give it adequate attention, and you know that subordinates in any department are not going out and undertaking such a tremendous proposition as the valuation of hydroelectric plants.

Mr. BRIGGS. Mr. Speaker, will the gentleman yield?

Mr. PARKER. In a moment. There are many of these plants that have been licensed on which the valuation has never been set at all. There are very complicated legal questions involved, and the matter will have to be decided by the courts. Upon that valuation will depend your rates. Another reason why we did not go into the question more adequately of fixing rates is this: I have already told you that 95 per cent of the electric current now used is regulated by the States themselves. Five per cent is unregulated.

Mr. HARE. Mr. Speaker, will the gentleman yield?

Mr. PARKER. Certainly.

Mr. HARE. Does the gentleman's bill purport to give the Water Power Commission the right to regulate the additional 95 per cent?

Mr. PARKER. Oh, no; absolutely not. They will have no more power to regulate it than now.

Mr. HARE. I understood the gentleman to say that the individual States had the right to regulate 95 per cent of the power.

Mr. PARKER. They have.

Mr. HARE. And the Power Commission has the right to regulate 5 per cent.

Mr. PARKER. Yes.

Mr. HARE. The information I want is whether or not the Water Power Commission will have the right to interfere with an attempt to regulate the 95 per cent?

Mr. PARKER. Absolutely not. I believe that every State should regulate its own public utilities.

Mr. LaGUARDIA. Within its own borders.

Mr. PARKER. Yes.

Mr. HARE. If the power commission has only 5 per cent to regulate, does the gentleman think that we need a commission of five additional men to regulate that amount of power?

Mr. PARKER. Yes; and I will explain why in a moment. There are overlapping valuations. Take the State of Texas, for example. You have one system of valuation in Texas, and you may have another in the next State, and another in the next State. Upon those valuations will be fixed your rates. There must be an agreement made, and it can only be made by compliance to a conference with the Federal Government to bring about a uniform system of valuation.

Mr. HARE. I can understand why that can be true, but I can not understand why the present Water Power Commission would not have the right and the power and the ability to do that without the creation of additional commissioners.

Mr. PARKER. They have not the time. The testimony before our committee was that they had met but ten times in a year and a half. The work has been absolutely all left to their subordinates.

Mr. BRIGGS. This bill provides not only for five full-time commissioners, but provides for their confirmation by the Senate?

Mr. PARKER. Yes.

Mr. COCHRAN of Missouri. Will the gentleman explain to the House why the Interstate Commerce Committee struck out the following language of the Senate bill?—

> Any commissioner may be removed by the President for inefficiency, neglect of duty, or malfeasance in office, but for no other cause.

Mr. PARKER. Because he already has that power and it has been so decided by the Supreme Court. He can remove any public official at any time for malfeasance in office.

Mr. COCHRAN of Missouri. How about inefficiency and neglect of duty?

Mr. PARKER. He has that power.

Mr. COCHRAN of Missouri. I am pleased to have that information. I want teeth in this bill. My only objection is that the legislation, I am afraid, comes too late. The big and valuable power sites in the country are gone. They are gone in my State. We need men in charge of the Water Power Commission who will give their full time to this most important question. Now, we have three members of the President's Cabinet in charge, men whose time is so occupied that they just can not attend meetings, but in the past have left everything to the executive secretaries. The secretary has run the commission, as the investigation in the Senate disclosed. I want the President to have power to remove any commissioner or employee who is inefficient, neglects his duty, or does not perform properly. I think the President should get a new secretary now. There has been friction between the present secretary and the accountants, and as a result the business of the commission has not functioned properly. Serious charges have been made by both sides, but other than appearing in print nothing has been done. This is much-needed legislation. It will be beneficial legislation over existing conditions, to say the least.

Mr. SUMMERS of Washington. With reference to the question of the gentleman from North Carolina [Mr. HARE], this commission would have many other functions to perform than regulating the power.

Mr. PARKER. Yes.

Mr. SUMMERS of Washington. The question was asked as though that would comprise the duties of the commissioners.

Mr. PARKER. Oh, no.

Mr. BOYLAN. Do the provisions of this bill encroach upon the rights of the States?

Mr. PARKER. No. The rights of the States are particularly preserved in this bill.

Mr. BOYLAN. And their rates are not dictated to them by this commission?

Mr. PARKER. Not in any way.

Mr. McDUFFIE. Under section 4 of the present water power act there is this proviso:

> That no license affecting the navigable capacity of any navigable waters of the United States shall be issued until the plans of the dam or structure affecting navigation have been approved by the Chief of Engineers and the Secretary of War.

Does the gentleman think that this bill will not in anywise interfere with that safeguard as to the navigable capacity of our streams?

Mr. PARKER. I will answer the gentleman by saying they do not think it will interfere in any way. There is a great question, some time to be settled by the courts, as to where the navigability of a stream begins—whether it is confined to the actual navigation or goes clear to the source of the stream. There is no intention to take away from the War Department and from the Army engineers the power to decide whether a dam will be detrimental to navigation or not.

Mr. McDUFFIE. Mr. Speaker, will the gentleman yield?

Mr. PARKER. Yes.

Mr. McDUFFIE. You have two sections labeled "No. 2" in this bill—a misprint, probably.

Mr. DENISON. We are amending section 2 of the original act, but there is another section 2 in this act.

Mr. McDUFFIE. Then I was under a wrong impression. Under the proposed amendment, section 2, you clothe this commission of five members with unlimited authority to designate an unlimited number of engineers and an unlimited number of employees and provide authorizations of money to be appropriated under this act for additional offices here in Washington and anywhere else. Under this language, just as it was in a similar bill brought in by the gentleman's committee at the instance of the late Senator Burton a few years ago, you can build up here an organization and another bureau as big as the Interstate Commerce Commission, and such an organization is not necessary.

Mr. PARKER. I honestly believe that this organization will eventually be almost as large and important as the Interstate Commerce Commission.

Mr. McDUFFIE. Why should it be so large an organization? You must consider the Interstate Commerce Commission is a rate-making body.

Mr. PARKER. I believe that my statement is true; with the development of hydroelectric energy the increasing use of electricity will increase rapidly when there is sale for it; there will be a great increase in the business of the commission, especially in the West and in the gentleman's own country, where the power can be developed just as soon as there is a market for it due to increased population.

Mr. OLIVER of Alabama. Mr. Speaker, will the gentleman yield?

Mr. PARKER. Yes.

Mr. OLIVER of Alabama. Following up the question asked by the gentleman from Alabama [Mr. McDUFFIE], in which he called attention to a somewhat similar bill heretofore reported, which the House did not approve, it seems to me this bill carries the same provision then disapproved. In other words, you clothe the commission with authority to appoint such number of helpers as may be required, and you clothe them with the power to fix their pay, and require that payment shall be made on the commission's certificates. In other words, future Congresses may have no authority over those expenditures in appropriation bills. Here you authorize the commission to incur obligations on the part of the Government—placing no definite limitations on the amount—and Congress is expected to appropriate therefor.

Mr. PARKER. I will say to the gentleman that they can not spend any more money than the Committee on Appropriations decides to recommend.

Mr. OLIVER of Alabama. Let me read this paragraph of the bill:

> The commission may make such expenditures (including expenditures for rent and personal services at the seat of government and elsewhere, for law books, periodicals, and books of reference, and for printing and binding) as are necessary to execute its functions. Expenditures by the commission shall be allowed and paid upon the presentation of itemized vouchers therefor, approved by the chairman of the commission or by such other member or officer as may be authorized by the commission for that purpose.

Mr. PARKER. If you will read the bill carefully, you will find that five officers may be appointed by the commission.

Mr. OLIVER of Alabama. The expenditures are authorized, and suit may be brought to recover if Congress refuses to make the appropriations to cover the obligations incurred by the commission.

Mr. PARKER. They could go to the Court of Claims as a recourse if Congress allowed them to go.

Mr. CLARK of Maryland. Mr. Speaker, will the gentleman yield there?

Mr. PARKER. Yes.

Mr. CLARK of Maryland. Your amendment provides for five commissioners, and the Senate bill provides for three. I believe three commissioners complies with the recommendation of the President.

Mr. PARKER. That is true.

Mr. CLARK of Maryland. The President says, "I recommend that authority be given to appoint full time commissioners to replace them," that is, three Cabinet officers. This bill does not increase the duties of the commission at all.

Mr. PARKER. I wish to say to the gentleman that the hydroelectric power in the United States is rapidly being developed. There are sections where the power is developed to a greater extent than in other sections. One is in the Northeast, one is in the Northwest, and another is in the Southwest, where the greatest activity prevails at the present time, and still another is in the Southeast. That is four. Then you have another enormous development of power in the center of the country. I do not believe in regional appointments at all, but I think when the President appoints these men you will find he will consider these sections.

Mr. LaGUARDIA. Mr. Speaker, will the gentleman yield?

Mr. PARKER. Yes.

Mr. LaGUARDIA. Is it not true that the projects contemplated now and those expected in the near future are of great magnitude, and the commissioners will have enough to keep them busy?

Mr. PARKER. Yes.

Mr. CLARK of Maryland. The gentleman gave as his chief reason for the increase in the number of commissioners the deficiency in the accounting work. The commissioners do not do the accounting work. That is done by auditors.

Mr. PARKER. But there are investigations and many other things which have to be intelligently taken care of. I believe this commission will in a few years, perhaps not in five years, but eventually, be practically as important as the Interstate Commerce Commission. I firmly believe that, because I think other activities will probably be given to this commission.

Mr. CLARK of Maryland. Will the gentleman yield?

Mr. PARKER. I yield.

Mr. CLARK of Maryland. When does the gentleman think Congress should exercise its power over interstate power rates? The gentleman says there are now only 5 per cent not regulated. Where would the gentleman place the point where Congress should intervene?

Mr. PARKER. We should intervene now. Congress has the power now to make rates just and reasonable.

Mr. LaGUARDIA. And the commission is away behind in their work?

Mr. PARKER. They are away behind in all of their work for the reason that a big proposition of this kind can not be looked after by subordinates. When that is done, who is responsible? The Secretaries themselves are responsible, and they do not want to assume responsibility for things about which they know nothing. Therefore, the commission has not worked. That was testified to, with all humility, by the Secretaries who appeared before our committee.

Mr. McDUFFIE. Will the gentleman yield?

Mr. PARKER. I yield.

Mr. McDUFFIE. May I call the gentleman's attention to this language:

> The commission may request the detail of an officer or officers from the Corps of Engineers or other branches of the Army to serve the commission as engineer officers or in any other capacity in fieldwork outside the seat of Government, their duties to be prescribed by the commission.

Now, the thought which occurs to me——

Mr. PARKER. Will the gentleman from Louisiana yield me five additional minutes?

Mr. O'CONNOR of Louisiana. No; I can not. I have promised all the time.

Mr. McDUFFIE. I am afraid the language which I have just read will permit duplication in the survey work now being done by the Army engineers.

Mr. PARKER. No; it will not. The first preliminary survey is made by the Geodetic Survey. They map the entire country and determine where power sites are located. Then if it happens to be in a public forest, the Forestry Department will make the survey as to what effect the dam will have upon the backing up of water to the detriment of the forest. If it is on a navigable stream, the Army will make the survey to determine the effect of the dam on navigation. The only question which the Power Commission is interested in is the building of the dam itself, subject to the views of the other departments.

Mr. McDUFFIE. That is the law as it exists to-day, but I am afraid this language may change it, if the commission sees fit.

Mr. PARKER. No; it does not.

The SPEAKER. The time of the gentleman from New York has expired.

Mr. O'CONNOR of Louisiana. Mr. Speaker, I yield five minutes to the gentleman from Texas [Mr. BLANTON].

Mr. BLANTON. Mr. Speaker, if this bill were taken up under the general rules of the House and properly debated, it would not pass. The gentleman from New York says that the three Secretaries or members of the Cabinet, are seeking to evade responsibility.

Mr. PARKER. Will the gentleman yield?

Mr. BLANTON. No; I have not time.

Mr. PARKER. I did not make that statement.

Mr. BLANTON. Excuse me, I so understood the gentleman.

Mr. PARKER. Do not put words in my mouth which I did not say.

Mr. BLANTON. Well, I want the three Secretaries to continue to be responsible to the people. They are now responsible to the President of the United States, and he is responsible to the people. If they do anything improper, the President has the right to remove them, but when these five commissioners are appointed they are in office for so many years, and they become independent and arrogant, and they do fix the salaries of at least four officers.

Mr. PARKER. Five.

Mr. BLANTON. Well, four under the bill. The gentleman will remember the scandals which followed the authority which was given the Shipping Board and the Emergency Fleet Corporation. These commissioners could fix the salary of this secretary and of the general counsel and of the chief engineer at $100,000, and you could not stop them after you once gave them the authority.

I have voted for the last measure of this kind, taking the authority and prerogative of Members of Congress away from them and giving them to some bureau. After these four high-salaried officials are appointed, then these commissioners can appoint, without number, just as many other employees under the civil service rules as they desire, without any restriction by Congress.

Just before Congress forced the Shipping Board and the Emergency Fleet Corporation to move into the new Navy Building, where there was plenty of vacant space, they were paying at one time $556,000 annually in rent alone on rented buildings. That is what you may expect from this new bureau which you are seeking to create by this act, under suspension, with only 20 minutes' debate.

I want to call attention to what has happened in my State through the special power commission there. Through the influence which was exerted over that power commission by the Samuel J. Insull monopoly, of Chicago, they sought to give that monopoly all of the watershed of the great Colorado River. For over 100 miles a farmer or ranchman, on his own property, within the confines of his own fences, could not build a little dam to furnish water to his cattle and horses, because, forsooth, Insull, of Chicago, said he owned the entire watershed of the Colorado River.

As long as the power is in the hands of the Secretary of Agriculture, the Secretary of the Interior, and the Secretary of War the people of the United States are safe, as they are responsible to the President, but whenever the power is taken out of their hands and put in the hands of this special commission, my colleagues, you are giving up power that you should keep in your own hands. It is power which you should control and which you should not give up by this bill.

Mr. McKEOWN. Will the gentleman yield?

Mr. BLANTON. I yield.

Mr. McKEOWN. I am in sympathy with much which the gentleman has said, but does the gentleman not know we will have better service and will more carefully preserve the rights to the people if we have this commission which can give time to it, instead of a department of Cabinet officers who will have to leave it to subordinates?

Mr. BLANTON. No; because the President of the United States is directly responsible to the people and the three Secretaries are responsible to the President. If they overstep their power against the interests of the people, the President has the right to stop them.

The SPEAKER. The time of the gentleman from Texas has expired.

Mr. O'CONNOR of Louisiana. Mr. Speaker, I yield three minutes to the gentleman from Maryland [Mr. CLARK].

Mr. CLARK of Maryland. Mr. Speaker and Members of the House, the real purpose of taking the floor at this time is to draw your attention to a recent decision of the Supreme Court, to which I shall refer presently, making immediate congressional action on interstate power rate regulation necessary.

I regret that this bill has come before this body for passage under a suspension of the rules, instead of under a committee rule permitting general debate and amendments, as in the case of other important bills. The chairman says that this bill proposes only to reorganize the Federal Water Power Commission by replacing the three Cabinet officers now constituting the

commission with five full-time commissioners at a salary of $10,000 each, and to authorize them to change and increase the personnel of the commission. This is an important matter, in view of regulatory legislation that must soon follow, if we are to meet our responsibility to the people in power rate regulation.

I think three commissioners, as proposed in the Senate bill, are ample to direct the work of this commission until its jurisdiction is extended or its powers enlarged.

Mr. MAPES. Will the gentleman yield?

Mr. CLARK of Maryland. I yield.

Mr. MAPES. Of course the gentleman understands the reason why the present commissioners do not put in full time is because of multiplicity of other duties, and not because of the lack of work for the commission to do. The gentleman understands that situation, I suppose?

Mr. CLARK of Maryland. I understand that situation, and I know that three full-time commissioners can do the work that this commission is authorized to do under existing law. This bill does not enlarge that authority or extend the jurisdiction of the commission.

My chief objection, however, to this bill is aimed at what it fails to do rather than what it does. The American public is anxiously expecting Congress to exercise its power over interstate power rates. We are told by the chairman of the committee that only about 5 per cent of the power consumed in this country is interstate and unregulated. His estimate is entirely too low. Moreover, he is speaking of that power which, under recent decisions, as I shall later show, the States are not permitted to regulate, and therefore goes absolutely unregulated by any agency. He does not tell you of the large percentage of power which moves interstate, and which the States may and do attempt to regulate in the absence of congressional action, but which would necessarily be included in congressional legislation on the subject.

The States have always been permitted by the courts to legislate upon or regulate rates, charges, or services essentially local in character, although indirectly affecting or involving interstate commerce, unless or until Congress has actually legislated on the subject.

The Pennsylvania Gas Co. case in 1919 (reported in 252 U. S. 83) tried to divest the State of this permissive control over rates for gas that it was shipping into New York and selling to consumers there; but the Supreme Court sustained the Public Service Commission of New York in its right of rate control in the absence of congressional action. Such regulation is very inadequate. However, it is better than none.

But now comes an important and far-reaching development in the law. In 1924 the Kansas Gas Co. case (reported in 265 U. S. 298) came before the Supreme Court, which held that while a State can control the gas rates of a company to its consumers, which gas it imports from another State, where it produces or purchases it, no State has any right at all even in the absence of congressional legislation on the subject, to any control over charges for gas made by a corporation or agency in one State to another corporation or agency in another State.

The rapidly forming superpower interests did not overlook the bearing this ruling might have upon their superpower plan to get away from State commission interference. So in 1927 what is known as the Attleboro Electric case (reported in 273 U. S. 83) came to the Supreme Court. A Rhode Island company delivered to a Massachusetts company current at the State line under contract. This became unprofitable and the Rhode Island company sought to increase the rate by commission order. The question was directly raised as to whether the Rhode Island commission had jurisdiction at all. The company claimed that Congress alone had jurisdiction under the commerce clause of the Constitution and that this jurisdiction was exclusive, and the Supreme Court so held, following its ruling in the Kansas Gas Co. case. This was in 1927.

Now, Mr. Speaker, ladies and gentlemen of the House, as a result of this decision I maintain the door has been thrown wide open for the superpower interests of the country to conform their corporate set-up to these recent rulings, now the settled law, and completely defeat and defy all governmental control until Congress acts on the subject of interstate power regulations. This is a responsibility which Congress should meet at once and not wait until these superpower interests become so entrenched under charters and unrestricted franchises that it will be impossible for congressional action to reach them effectively. Without any public control over their franchises, their capital issues, or their accounting methods and charges, these power companies occupy a field and enjoy an exemption not known anywhere else among the utilities of this country.

Now, just a word as to the growth of investments in privately owned electric plants and equipment and in the increase in power production.

Since 1902 the cost value of plants and equipment has increased from about one-half billion to over $10,000,000,000. And in output the growth has been from 2,311,147,000 kilowatt-hours in 1902 to 38,921,000,000 in 1919 and 87,849,579,000 for the year ending January 1, 1929.

Along with the tremendous increase in power production there is a corresponding increase in interstate power shipments, emphasizing the need of immediate congressional action for the protection of the public against unfair charges. Up until about 1910 power was used almost exclusively at or close to the place of generation. About that time began the widespread distribution of power through the development of long-distance transportation of current, and since then there has been constructed nearly 125,000 miles of high-voltage electric power lines, making power available, so it is said, at almost any point on the map. Nearly half this mileage has been built in the past seven years.

Mr. Speaker, it is difficult to review these figures of increased output and long-distance transmission without feeling that Congress should act at once for the protection of the public against unfair and extortionate interstate power charges in the future. If the present unregulated power situation continues, which it is bound to do, and rapidly at that, superpower will reach a point of development and keep their cost accounts so constructed and overloaded, as many of the companies persist in doing, that the whole purpose of congressional action, when it does come, will be defeated.

I try to be fair. I admire big business. I have the highest respect for the man who does big things, but the rule in business to-day is to seek the highest advantage, and we all know that our big power corporations are no exception to this rule.

It is the responsibility of Congress to now put into action the necessary machinery to meet this indispensable need. It has to be done and now is the time to do it. Before taking up the question of how or through what agency Congress should exercise such regulation, I want to give the House a concrete illustration of the need of congressional action in this matter, including my district.

Years before the Federal water power act of 1930, the Holtwood Dam on the Susquehanna River in Pennsylvania was constructed. It is owned by the Pennsylvania Water & Power Co. The great bulk of its output goes to Baltimore, Md., where another company purchases it and distributes it. These two companies have interlocking directorates. The Maryland Public Service Commission has no jurisdiction over the charges made by the Pennsylvania company to the Maryland company under the Attleboro case ruling, although such charges enter into the cost calculation of the Baltimore distributing company to its consumers.

Now, take another case. Since the Federal water power act, another dam has been constructed on the Susquehanna River, known as the Conowingo Dam. This dam is in Maryland and owned by the Susquehanna Power Co., and it sells practically its entire output in Pennsylvania to the Philadelphia Electric Co., which distributes it. Now, if this had happened before 1920, the date of the Federal water power act, there would be no public control of the cost to the Philadelphia Co., as in the Holtwood case. The Federal water power act, however, provides that where there is no State regulation of charges for current sold by the licensee producing company, the Federal Power Commission may proceed, upon application of any citizen, to regulate said charges. The commission construed this rate authority to apply to all licensee projects, whether the current generated moves intrastate or interstate. The Federal Water Power Commission therefore effected a rate regulatory agreement between the Maryland and Pennsylvania companies with the cooperation of the Maryland and Pennsylvania utility commissions.

Now, gentlemen, there are different views as to the agency which Congress should use or create upon which to place the responsibility of administering such regulatory powers. The Conowingo matter has shown us the most practicable way yet developed. It is true that at present the Federal Power Commission's authority is limited to current generated at dams on navigable streams, as defined by law and interpreted by the courts, but this authority could be extended to include all current moving in interstate commerce.

There have been at least two bills filed in the Senate at this session in which it is proposed to extend the jurisdiction of the Federal Water Power Commission.

This bill we are now asked to support under a suspension of the rules, which merely creates more jobs with increased compensation, is a poor substitute for what we need, Mr. Speaker, and does not meet the responsibility resting upon us in this matter. The recent Attleboro case, to which I have referred, makes our duty clear and inescapable.

Mr. O'CONNOR of Louisiana. Mr. Speaker, I yield three minutes to the gentleman from South Carolina [Mr. HARE].

Mr. HARE. Mr. Speaker and gentlemen of the House, I yield to no one greater sympathy for what appears to be the purpose embodied in this legislation, because I feel that with the growth of the use of electric power throughout our country there is a growing demand for increased regulation. But I am not convinced by the arguments submitted in behalf of this bill that we should go so far as to take the power out of the hands of the three executive officers who are responsible, as has already been said, to the President of the United States, who, in turn, is responsible to the people of the country, and placing it in the hands of men who will not be responsible to anyone, but who may be responsive to the wishes and demands of the great power interests of the country, a thing we have all heard so much about in the last few days.

The point I am anxious to emphasize is that these five men are absolutely unnecessary, because heretofore the work has been performed by three, and there is no evidence before us to show that there is any increase in the work in any way, shape, or form. As a matter of fact, it is said by the chairman of the committee that only 5 per cent of the electric power of this country is being regulated by the Power Commission to-day, 95 per cent being regulated by the States. Another objection to the bill and the danger I see is that with this commission increased and with its power increased to fix the rate for interstate electric power it will, in effect, determine the rate that will be required of the individual States to fix in their individual capacity. In other words, we will have, in effect, five men fixing the rate of electric power for the 48 States, because when the commission estimates the value of a power plant and determines the rate it may charge for interstate power, that will furnish a basis for the intrastate rate. It will be a case of the tail wagging the dog instead of the dog wagging the tail. That is, I apprehend that if this bill passes and the newly created commission assumes to fix rates on electric power conveyed from one State to another the basis for the interstate rate will become the basis for the intrastate rate, which, in effect, will be giving the commission the right to fix the rates for the use of electric power within the various States, to which I am unalterably opposed. [Applause.]

As I have already stated, I do not want to be placed in the position of opposing what appears to be the purpose of the bill; but I am sincere in saying that there is no necessity or justification for the creation of this commission of five men and the army of employees that will follow. If the existing commission can not efficiently perform the work required, I think the suggestion of the representative of the War Department, General Deakyne, may be considered. He appeared before the committee, according to the hearings, and when asked how the present difficulties could be remedied, said:

> It might be remedied by having Assistant Secretaries in the departments handle the work of the Power Commission, who would still represent the departments and be under the control of the Secretaries—the Cabinet officers.

Immediately following this statement, he said further:

> I do not think it would take the entire time of three Assistant Secretaries.

In other words, I gather from his statement that all the work could be performed by three Assistant Secretaries and then it may not take all their time. Yet this bill would say it will take five men with a salary of $10,000 each per annum, not including the salaries to be paid additional engineers, counsels, accountants, clerks, and so forth. I am going to venture the statement that this commission will, in less than five years, be costing the Government not less than $500,000 annually, and the evidence is that the work can be performed with existing governmental agencies with an additional expenditure of probably less than $10,000 a year. [Applause.]

The SPEAKER. The time of the gentleman from South Carolina has expired.

Mr. O'CONNOR of Louisiana. Mr. Speaker, I yield three minutes to the gentleman from Alabama [Mr. OLIVER].

Mr. OLIVER of Alabama. Mr. Speaker, the House is not unfriendly to the appointment of a commission for handling this important work, but I think the gentleman from Maryland voiced the real objection that many of us feel to this legislation, and that is the method adopted for its consideration. Legislation of this importance, and vesting, as this bill does, very broad authority in the commission, should not be considered under suspension of the rules, thus precluding amendments being offered. The committee reporting this bill is an able one, and I respectfully submit that they should not call up a bill in this way and insist on its being passed under suspension of the rules. It is unfair to the House. A rule could easily be obtained, and should be, for the consideration of a bill of this importance, since in the short time allotted for discussion under a suspension of the rules no constructive suggestions can be considered and no amendments proposed.

I call attention of the Members of the House to the fact that this bill vests the commission with very broad authority as to the incurring of money obligations against the Government, and you should not vest any commission with authority and discretion so broad as herein proposed; if so, you may later repent when called on to provide appropriations to meet the expenditures which you vest the commission with power to incur. You do not clothe the President with any authority so great. You always place a limitation on any power authorizing the President to create a Federal obligation, yet you give this commission plenary authority and empower the commission to determine what its expenses shall be, what the pay of certain officials shall be. I respectfully suggest it is a dangerous way to legislate, and past experiences suggest the wisdom of going slow in clothing any commission with a power so great. [Applause.]

Mr. PARKER. Will the gentleman yield?

Mr. OLIVER of Alabama. Yes.

Mr. PARKER. Of course, this is not the last Congress that is going to meet. This bill can be amended at any time.

Mr. OLIVER of Alabama. And this is not the last day that this Congress will meet. The Rules Committee still holds its sessions, and the gentleman could easily have gone before the Rules Committee with a matter of this importance and the committee would have granted, no doubt, a rule under which you could have disposed of this bill in one afternoon and have given to the Members of the House an opportunity to offer constructive suggestions. [Applause.]

Mr. O'CONNOR of Louisiana. Mr. Speaker, I yield to myself the balance of the time.

Mr. Speaker and gentlemen of the House, when this bill was under consideration in the Senate, Senator RANSDELL was not able, as a result of circumstances, to be present and express his views in regard to that bill. A few days ago before its consideration he had requested Gen. Lytle Brown, Chief of Engineers, for a memorandum as to the general's views in regard to the enactment of this bill. The general complied with the Senator's request, but, as I said before, the Senator was unable to use the letter from General Brown and the accompanying memorandum which, in my judgment, absolutely obliterates every reason that might have been urged for the enactment of this bill at this time.

I believe it was Emerson who said that all progress, legislatively and otherwise, is exchanging one nuisance for another. In a large measure I think the opponents of this measure have demonstrated the accuracy of that facetious statement made by the great philosopher. This is not the time to consider this bill, nor is the suspension of the rules the proper manner in which to approach the subject. [Applause.]

Why, gentlemen of the House, to tell us that the three Secretaries occupying positions in the Cabinet of the President are unable to give the subject matter of the legislation confided to their care the proper thought and consideration, but that another board will be able to perfect the job is about as serious an indictment of the President's Cabinet as could be made upon the floor of this House at this time.

In effect, it means that the Secretary of War and the Secretary of Agriculture have not the capacity, ability, learning, or experience to administer the law as it now stands. In fact the proponents of the bill, and the bill itself, endeavor to demonstrate that three members of the commission are so incompetent, inefficient, ineffective, and useless that a new commission made up of new men, without information or experience, can take hold and function with larger and better results than the three gentlemen that were made members of his Cabinet by the President of the United States.

Mr. LEA. Will the gentleman yield?

Mr. O'CONNOR of Louisiana. Why did not your committee have this bill properly considered by a rule so that the Members of the House could have the opportunity to freely discuss it, instead of under a suspension where the proponents and opponents have but 40 minutes, or 20 minutes for and 20 minutes against?

Mr. LEA. We did have it properly considered; and the President and the people who compose the Water Power Commission favor this part of the legislation.

Mr. O'CONNOR of Louisiana. Of course everyone is aware of the acute and sympathetic interest the administration has for relieving unemployment, and I have no doubt that the supplications and importunities of some patriotic and poor but proud G. O. P. field marshals have had some stimulating effect upon the administration. Let me read the concluding part of

this memorandum from General Brown to Senator RANSDELL, for its illuminative and informative value; for while the letters and memo from the general are in connection with the original Senate bill, they have their value in the way of the information they convey upon the subject matter of the bill now under consideration, for fundamentally it is not apparent, except for the worse, from the original Senate bill:

S. 3619 repeals section 2 of the Federal water power act and thereby scraps or throws into the discard a highly efficient coordinated governmental machinery for dealing with water-power problems in their proper relation to navigation and flood control.

It takes from the Secretary of War and the Chief of Engineers all authority and responsibility in connection with the investigation of water-power developments in navigable waters or on tributaries thereto, and confines their functions to the veto power contained in section 4 (d) of the act.

"That no license affecting the navigable capacity of any navigable waters of the United States shall be issued until the plans of the dam or other structures affecting navigation have been approved by the Chief of Engineers and the Secretary of War."

Listen to this concluding paragraph, which, in my judgment, ought to defeat this bill overwhelmingly:

S. 3619 gives the commission broad authority to build up as large an engineering organization as Congress can be induced to appropriate for. Such an organization will duplicate and parallel the work of the engineering organizations of the Departments of War, Agriculture, and Interior. It will be in conflict with those organizations since it will be devoted primarily to power development. It will increase the Government's expenditures and will decrease efficiency.

This fulmination, this engineering broadside, is from one of the most prominent men in the service of the United States, one who by his learning and research is in a position to testify as an expert, and he, in my judgment, absolutely annihilates all reason for the consideration of the bill at this time, with the expedition and in the almost vicious and unwarranted manner of suspension of the rules, when the whole House is crying for time, which shows a desire to properly consider it, under a rule which would enable the proponents and opponents the widest latitude under the rules of the House to consider this important bill.

Mr. BOYLAN and Mr. KVALE rose.

Mr. O'CONNOR of Louisiana. I yield to the gentleman from New York.

Mr. BOYLAN. Will the gentleman kindly tell us how many bureaus and commissions are now functioning?

Mr. O'CONNOR of Louisiana. My good friend does me too much honor. I appreciate the compliment he inferentially pays me, but the proverbial Philadelphia lawyer could not answer that. I do not think the President of the United States, with the army of expert statisticians, and so forth, that he has at his command could answer it at this time. We all deprecate the creation of new bureaus and duplicitously and hypocritically turn around and create more. Every man stands up here and says, "Far be it from me to suggest the creation of a new bureau; I detest bureaucratic power; I do not like the tyranny and oppressiveness of their work." Yet we go on and create this bureau, when, as I said before, we have a commission composed of three members of the President's Cabinet, who are great enough to fill the positions.

I deny that they are inefficient, I deny that they are incompetent. On the contrary, I hold that each one of the three Cabinet members is easily the peer from the standpoint of learning, sagacity, information, and ability of any one who will be selected to fill his place. But of course under the guise of relieving them of a work which they have not the time or inclination to perform and at the same time relieve the President's Cabinet from a direct responsibility in connection with the power privileges involved in the administration of this highly important branch of the Government's activities and obligations and at the same time make way for Republicans now crying aloud in the wilderness for the manna that has been withheld so long, this bill is pushed through with that celerity of movement which always to the initiated indicates an administration requirement.

Mr. Speaker and Members of the House, read the following letter and memo which in my judgment carry a vast amount of information and sagelike wisdom submitted in the inoffensive manner characteristic of a gentleman who holds us in esteem, for General Brown is what friends claim him and to which there are no foes as he has none, and that is that he is a great official and great engineer. I repeat what is made abundantly clear by the letter and memo that they were submitted by him to Senator RANSDELL when the Senate bill was originally before the Senate and before it was amended in that body and in the House Committee on Interstate and Foreign Commerce. But inasmuch as I do not think that the amendments alter or affect the fundamental vices of the original bill as it was from the start tainted with the smell of the political pie counter, though its author knew it not, and suggestive of another Herculean attempt to relieve unemployment though the Wagner bills are still held in the offing by lifting into high places several deserving or undeserving Republicans who may have been in the cold for lo these many years. I am going to make that letter and that memo a part of these remarks.

But before closing, and, seriously, What is the value of our civil service to make for the success of that learning necessary for the proper discharge of governmental function? Of what value is that experience acquired by years of study and application if they and all they implicate can be junked in the twinkling of an eye when party expediency needs and political requirement that they be junked? Sit at the feet of an engineer Gamaliel for a moment, and secure that wisdom which will make you regret it if you vote for this pending bill.

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF ENGINEERS,
Washington, April 22, 1930.

Hon. JOSEPH E. RANSDELL,
United States Senate, Washington, D. C.

MY DEAR SENATOR RANSDELL: In reference to my conversation with you on Saturday on the subject of S. 3619, Calendar No. 378, Seventy-first Congress, second session, I send you the following memorandum in accord with your request. It expresses only my individual personal view, since so far as I know the matter has not been brought to the attention of the War Department during the hearings before the committee.

I have nothing to say as regards section 1 or 3. Section 2 affects the personnel under my control as well as the work.

The existing law has given very satisfactory results in providing in section 2, "* * * and the commission may request the President of the United States to detail an officer from the United States Engineer Corps to serve the commission as engineer officer, his duties to be prescribed by the commission." And further, and quite important—"The work of the commission shall be performed by and through the Departments of War, Interior, and Agriculture, and their engineering, technical, clerical, and other personnel except as may be otherwise provided by law."

I believe that the new section 2 will, in effect, repeal the old section 2, but, if so, does it without specific mention of the intention of so doing. This section gives the new commission authority, by consent of the President, to detail any number of officers of the Corps of Engineers to exclusive duty with the commission. It contemplates the creation of a field force of engineers to perform under the control of the commission such duties as the commission sees fit to give to it outside the seat of government.

I fear that two separate field forces, both engaged on the same work or on work that is so intimately connected as to be in effect the same work, will tend to cross purposes, unalterable differences of opinion, friction, duplication of effort and possible delay. Since, according to the old law, a permit can not be given for power on a navigable stream without the approval of the Secretary of War and the Chief of Engineers, every precaution should be taken to prevent the arousing of any differences of opinion between these two officials and the new commission. The creation of two engineer field forces reporting to separate heads is not calculated to result in coincident opinion, such as is the present plan of one field force.

I am of the opinion that a field force not solely or vitally interested in power for itself alone is more likely to guard the public interest in general than is one whose sole interest will be in power.

It is my belief that it would be well for those who spent so much effort in the framing of the water power act to look closely at S. 3916 before it becomes law.

Sincerely yours,
LYTLE BROWN,
Major General, Chief of Engineers.

1. The Federal water power act was approved June 10, 1920. It is one of the outstanding legislative accomplishments and is probably the most important of the measures ever adopted for the conservation of our national resources.

2. The purposes of the act are:

To conserve fuel by utilizing water power.

To encourage the development of federally controlled water-power sites in a manner best adapted to a comprehensive use of the water resources of the United States and its Territories for the purpose of navigation, water-power development, and other beneficial public uses.

To preserve the ownership of federally controlled sites in the Government by setting up standard conditions under which such sites may be licensed to private interests for not exceeding 50 years.

3. It would be difficult to cite any enactment of the Congress which, in a period of 10 years, has produced such outstanding results in the interests of the public with such a nominal cost to the taxpayers.

Under this law there has been installed 2,496,000 horsepower of hydroelectric equipment, or about 6.3 per cent of the total installed capacity in public-utility service.

4. The Federal Government's jurisdiction over a portion of the water-power sites in the United States and its Territories is derived from two sources:

(a) Through the interstate commerce clause of the Constitution the Congress has the paramount authority to maintain navigable waters in a free and unobstructed condition. It can, therefore, prevent the construction of any power plant in a navigable water or can permit such construction under such terms as it may fix. Through decisions of the Supreme Court the Government has the further right to prevent the impounding of water on nonnavigable tributaries of navigable waters in any manner which will be obstructive of the navigable capacity of such navigable waters.

(b) Through its outright ownership of public lands and national forests the Congress may specify the terms on which water-power sites on such lands may be leased or licensed to private parties.

5. Under existing law navigable waters of the United States are improved, maintained, and operated by the Secretary of War and Chief of Engineers, United States Army, in accordance with special enactments of the Congress.

The national forests are administered by the Agricultural Department through the United States Forest Service.

The Interior Department has charge of public lands and Indian reservations, which it administers through the General Land Office, the United States Geological Survey, and the Office of Indian Affairs.

6. The Congress, in its efforts to adopt a national policy for the development of federally controlled water-power sites in the public interest, gave most careful consideration for several years to the question of setting up a sound, efficient, and economical governmental machinery for carrying such policy into effect. The result of this study was the Federal water power act, and in enacting the law the Congress had certain definite fundamental principles in mind.

First. It recognized that the development of water power by private interests on property controlled by the Government must be kept subordinate in principle to the major purpose of that property. For example, a proposed water-power development in a navigable waterway must not impair the usefulness of the waterway for navigation, but must be satisfactorily accommodated to the interests of navigation, or rejected.

Second. It realized that the War Department was responsible for navigation improvements and that no other agency could so well determine the possibilities for and limitations of power development in connection with navigation projects. It realized that the Interior Department was best able to determine the possibilities for and limitations of power developments on Indian reservations and public lands and that the Agricultural Department was best able to perform a like service with respect to proposed power developments in the national forests. It realized that all three departments had excellent engineering organizations fully competent to do all the work incident to leasing or licensing water-power sites on the properties in their charge.

Third. Congress was fully aware that if it set up an independent agency to lease or license federally controlled water-power sites it would be almost impossible to stop its growth and, further, that it would be in constant conflict with the three executive departments.

Fourth. Congress knew, since it already had in operation all the necessary field organizations, that by setting up a commission made up of representatives of the three interested departments and a small coordinating staff it would get the work done at a minimum of cost to the taxpayers, and that there would be no incentive to build up an organization in duplication of those already in existence.

7. In accordance with these principles Congress wrote into the law section 2, one of the most fundamentally important provisions of the act, specifying how the work should be done.

SEC. 2. That the commission shall appoint an executive secretary, who shall receive a salary of $5,000 a year, and prescribe his duties, and the commission may request the President of the United States to detail an officer from the United States Engineer Corps to serve the commission as engineer officer, his duties to be prescribed by the commission.

The work of the commission shall be performed by and through the Departments of War, Interior, and Agriculture, and their engineering, technical, clerical, and other personnel except as may be otherwise provided by law.

8. Since its organization the procedure of the commission, in compliance with this provision of law, has been as follows:

An application for a preliminary permit or license for a water-power site on a navigable stream or a tributary thereto is referred to the Chief of Engineers. He refers the application to the district engineer who has the particular stream in his charge. The district engineer makes a thorough engineering and economic investigation of the proposed development. This investigation covers the relation of the power development to the navigation project and to flood control, its safety, economic value, market for power, and the financial resources of the applicant.

In the light of the facts disclosed by this investigation, together with his knowledge of local conditions, the district engineer submits his report to the Chief of Engineers and recommends approval or rejection of the application. If he recommends approval, he sets forth in detail the provisions which should be required for the protection or betterment of navigation. The Chief of Engineers reviews the report of the district engineer and forwards it to the commission with such further provisions as in his judgment are required in the interest of navigation.

By this procedure the interests of navigation are always protected, the stream is considered as a whole, and the best combined results for navigation, water power, and flood control are secured. From the beginning this work has been handled efficiently, expeditiously, and at a minimum of cost to the Government.

Applications for sites on public lands or on Indian reservations are in like manner referred to the Interior Department, and applications for sites in the national forests are referred to the United States Forest Service and are reported upon by the Forest Service engineers, who are thoroughly familiar with all the local conditions.

9. S. 3619 repeals section 2 of the Federal water power act and thereby scraps or throws into the discard a highly efficient coordinated governmental machinery for dealing with water-power problems in their proper relation to navigation and flood control.

It takes from the Secretary of War and the Chief of Engineers all authority and responsibility in connection with the investigation of water-power developments in navigable waters or on tributaries thereto and confines their functions to the veto power contained in section 4 (d) of the act.

"That no license affecting the navigable capacity of any navigable waters of the United States shall be issued until the plans of the dam or other structures affecting navigation have been approved by the Chief of Engineers and the Secretary of War."

S. 3619 gives the commission broad authority to build up as large an engineering organization as Congress can be induced to appropriate for. Such an organization will duplicate and parallel the work of the engineering organizations of the Departments of War, Agriculture, and Interior. It will be in conflict with those organizations since it will be devoted primarily to power development. It will increase the Government's expenditures and will decrease efficiency.

The SPEAKER. The time of the gentleman from Louisiana has expired; all time has expired.

Mr. PARKER. Mr. Speaker, I submit a unanimous-consent request, which I send to the desk.

The Clerk read as follows:

Mr. PARKER asks unanimous consent to amend the bill as follows: On page 7, in line 14, after the word "counsel," insert "a solicitor."

Mr. BLANTON. Mr. Speaker, I make a point of order against the request. It is not in order.

The SPEAKER. It is a question of unanimous consent.

Mr. BLANTON. I object to the unanimous-consent request.

Mr. MAPES. Will the gentleman withhold his objection a moment?

Mr. BLANTON. It has been passed upon once.

The SPEAKER. The question is on the motion of the gentleman from New York to suspend the rules and pass the bill.

The question was taken; and on a division (demanded by Mr. BLANTON) there were—ayes 201, noes 17.

So, two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

SISSETON AND WAHPETON BANDS OF SIOUX INDIANS

Mr. JOHNSON of South Dakota. Mr. Speaker, I move to suspend the rules and pass the bill (S. 1372) authorizing an appropriation for payment of claims of the Sisseton and Wahpeton Bands of Sioux Indians, as amended.

The SPEAKER. It is not necessary for the gentleman to make that motion. As the Chair understands the parliamentary situation, the gentleman moved last Monday to suspend the rules and pass the bill, S. 1372, and debate thereon had been exhausted.

Mr. JOHNSON of South Dakota. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. JOHNSON of South Dakota. Under the parliamentary situation no time can be granted for further debate on this measure, the debate having occurred a week ago to-day?

The SPEAKER. Yes. The question is on the motion of the gentleman from South Dakota to suspend the rules and pass the bill.

Mr. HUDDLESTON. Mr. Speaker, is it not in order to read the title of the bill?

The SPEAKER. Certainly. The Clerk will report the bill.

The Clerk read the title of the bill.

The question was taken; and two-thirds having voted in favor thereof, the rules were suspended, and the bill was passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

A similar House bill was laid on the table.

COTTONSEED OIL TRUST CHARGES SUSTAINED BY SUPREME COURT OF ALABAMA

Mr. PATMAN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the Cottonseed Oil Trust and to incorporate a recent opinion of the Supreme Court of the State of Alabama.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. PATMAN. Mr. Speaker, I have repeatedly made the statement on the floor of the House that representatives of cottonseed-oil mills met at Memphis, Tenn., July 24, 1928, under the supervision and direction of the Federal Trade Commission, and were organized for the purpose of violating the antitrust laws of the United States and the respective States. This statement is borne out by a recent unanimous opinion of the Supreme Court of the State of Alabama in the case of Dothan Oil Mill Co. et al. *v.* Espy et al. (127 Southern Reporter 179). In that case Mr. Espy and others obtained an injunction against the Dothan Oil Mill Co. and other oil mills from Alabama from putting into effect the agreements entered into at Memphis, Tenn., which had for their purpose the setting of prices of cottonseed and destroying competition in the purchase and sale of cottonseed. The oil mills answered:

The respondents also interposed a plea alleging that the resolutions made Exhibit A to the bill were adopted at a trade conference under the guidance, advice, and cooperation of the Federal Trade Commission, presided over by a member of the Trade Commission, and were therefore reported to the said Federal Trade Commission for its approval, and on the 8th of October, 1928, the Federal Trade Commission en banc passed and approved the said resolutions and promulgated the same, and by so doing said resolutions were made the act, declaration, and decree of the Federal Trade Commission, to be and remain in full force and effect, under which respondents were authorized to do business; and therefore the circuit court was without jurisdiction to enjoin said resolutions of said Trade Commission.

The court held, among other things:

Taking as true the averments of the bill, as must be done on demurrer, and interpreting the alleged resolutions made Exhibit A to the bill in the light of the facts averred, however inoffensive they may appear on their face, we have no difficulty in reaching the conclusion that the defendants have entered into a combine, pool, trust, or confederation, to regulate or fix the price of cottonseed in this State, and are attempting to destroy competition in the sale thereof in violation of the State antitrust laws.

The injunction was affirmed.

Many of the cottonseed-oil mills that were responsible for the trade-practice conferences at Memphis had already become outlaws in certain States. One of the largest mills in the South, whose representatives were very active in the Memphis conference, had its authority to do business in the State of Texas canceled 20 years ago for setting the price of cottonseed and doing many of the very things that the Federal Trade Commission was persuaded to approve. This same concern was fined in Mississippi only a few years ago for violating the antitrust laws. Dozens and dozens of cases are recorded in the law books where these concerns represented at the Memphis conferences have been found guilty of violating the antitrust laws of the many States.

At the Memphis conference the chairman of the Federal Trade Commission, who presided, was informed that the object of the meeting was to end discrimination in prices of cottonseed. The discussions at that meeting clearly disclose that the resolutions enacted there were in violation of the laws of the States and Nation.

Now the Federal Trade Commission is investigating the Cottonseed Oil Trust, the very trust that it is guilty of organizing. The public is not represented in the investigation. I do not say that facts will not be fully disclosed, but I can truthfully say that, in order for an impartial investigation to be made, it will necessarily condemn the Federal Trade Commission, the investigator.

I regret very much that the leaders in the House do not feel warranted in permitting an investigation of the Cottonseed Oil Trust by people who are in a position to bring out the facts. This trust cost the cotton farmers $75,000,000 last fall. The farmers lost $75,000,000 worth of purchasing power. This injured other people and legitimate business as well as the farmers. The loss will probably be more this coming fall.

The following contains the full opinion of the Supreme Court of the State of Alabama:

DOTHAN OIL MILL CO. ET AL. *v.* ESPY ET AL., FOURTH DIVISION 458—SUPREME COURT OF ALABAMA, JANUARY 23, 1930—REHEARING DENIED MARCH 20, 1930

1. Courts key 489 (1)—Case made by bill of dealers in cottonseed to restrain consumers from combining to fix price held not within exclusive Federal jurisdiction.

Bill by dealers in cottonseed to restrain consumers from combining to fix price of cottonseed and compensation to be allowed individuals engaged in business of purchasing and selling cottonseed held not within exclusive jurisdiction of Federal Trade Commission and United States circuit court of appeals.

2. Commerce key 16—Business of buying cottonseed wholly within State to be crushed and manufactured into oil and other products in State held not to constitute "interstate commerce." (15 U. S. C. A., sec. 45; Sherman and Clayton Acts (15 U. S. C. A., secs. 1–7, 15 and secs. 12–27, 44).)

Business of buying cottonseed, confined wholly to State, to be crushed and manufactured into oil and other products, in State, held not to constitute "interstate commerce," within meaning of 15 U. S. C. A., section 45, or within sense of Sherman and Clayton Acts (15 U. S. C. A., secs. 1–7, 15, and secs. 12–27, 44), although some of manufactured products might eventually become commodities of interstate commerce.

(Ed. note: For other definitions, see Words and phrases, first, second, and third series, Interstate Commerce.)

3. Monopolies key 24 (1)—For private individuals to maintain suit to enjoin acts interfering with interstate commerce, acts complained of must be directly and immediately against commerce. (15 U. S. C. A., sec. 26.)

Though, under provisions of 15 U. S. C. A., section 26, private individual may maintain suit to enjoin acts interfering with interstate commerce, in proper case, acts complained of must be immediately and directly against such commerce.

4. Equity key 239—Averments of bill for injunction must be taken as true on demurrer.

Averments of bill for injunction to restrain consumers of cottonseed from combining to fix price of cottonseed, and profits which could be made by dealers therein must be taken as true on demurrer.

5. Appeal and error key 863.—Only matters of substance would be considered by Supreme Court in considering sufficiency of bill as against general demurrer in absence of specific grounds of demurrer (Code 1923, sec. 6553).

In considering sufficiency of bill for injunction as against general demurrer for want of equity in absence of pertinent, specific grounds of demurrer, Supreme Court would consider apparent amendable defects as amended, and only matters of substance would be considered under Code 1923, section 6553.

6. Monopolies key 24 (1)—One injured in business by combine controlling prices is entitled to injunction, if legal remedy is inadequate.

One injured in his business or property by combine to which he is not party, formed for purpose of fixing or controlling price of commodities in which he deals, is entitled to injunction, if damages he would otherwise suffer are unascertainable or injury that would result is irreparable, or controversy would occasion multiplicity of suits.

7. Monopolies key 24 (2)—Bill of cottonseed dealers for injunction against consumers combining to fix prices of cottonseed and profits allowed dealers held not demurrable.

Averments, of cotton dealer's bill for injunction, that consumers of cottonseed in State had entered to combine to fix prices of cottonseed and to fix profits of dealers therein, and that, if combine was carried into effect, dealers would be unable to pay producers as large price as otherwise to irreparable damage of dealers, held not demurrable.

8. Evidence key 20 (1)—That business of ginning cotton is business affected with public interest is matter of judicial knowledge.

It is matter of judicial knowledge that business of ginning cotton is business affected with public interest and is an essential element of great cotton industry in State.

9. Monopolies key 24 (2)—Cottonseed dealers not parties to combine by consumers to fix profits of dealers and cottonseed price could maintain suit to restrain consumers from carrying out agreement.

Cottonseed dealers, not being parties to agreement between cottonseed consumers to fix price and profit allowed dealers, could maintain suit on ground that agreement was unfair competition.

10. Equity key 65 (1)—One in pari delicto can not invoke equity to relieve himself from situation into which he brought himself.

One in pari delicto can not invoke aid of equity to relieve himself from situation into which he has brought himself.

11. Monopolies key 17 (1)—Seller has same right to competition among buyers as buyer has to competition among sellers.

One who deals in any commodity and sells in market has same right to competition among buyers as buyer has to competition among sellers.

12. Monopolies key 17 (1)—It is unlawful for buyers to combine to stifle competition and fix prices to hurt others (Code, 1923, secs. 5212–5214).

While buyers in competition with each other have right to fix prices, it is unlawful, under Code, 1923, sections 5212–5214, for all buyers to combine for purpose of stifling competition and fixing price of commodity to hurt others.

On rehearing

13. Appeal and error key 863—Sufficiency of injunction bond held not presented on appeal from decree overruling demurrers to bill.

On appeal from decree overruling demurrers to bill to restrain consumers from combining to fix price of cottonseed, question of sufficiency of injunction bond held not presented.

Appeal from circuit court, Houston County; H. A. Pearce, judge.

Bill for injunction by Leo Espy and others against the Dothan Oil Mill Co. and others. From a decree overruling a demurrer to the bill respondents appeal.

Affirmed.

The complainants (appellees here), three in number, are, as the bill avers, engaged separately in the business of ginning cotton for the producers in the locality of their respective places of business, "and accept or take cottonseed from cotton so ginned at a reasonable and fair value in payment of the ginning charges," paying the producer the difference, and also engaged in the business of buying and selling cottonseed.

The respondents (appellants), 30 or more in number, in different localities in this State, respectively and separately are engaged in the business of buying and crushing cottonseed, manufacturing therefrom cottonseed oil, and other by-products of cottonseed, and selling the same to the public or such as use and handle such products.

The bill further alleges that in the month of July, 1928, the respondents, with others, entered into a conspiracy and an unlawful combine in the restraint of trade, in respect to the business of buying and selling cottonseed and to control the price thereof, so that they could thereby purchase cottonseed at the price fixed by them. And in furtherance of said conspiracy and said combine, "entered into what they term a 'trade-practice agreement,'" a copy of which is attached to and made a part of the bill.

That the "respondents in furtherance of said conspiracy and in the execution thereof agreed among themselves the price to be paid for cottonseed throughout the State of Alabama, in that the said respondents agree to pay a specific price for cottonseed at all points in Alabama, the buyer paying the freight on said seed to its (their) respective mills where the same is shipped, and as a part of said unfair practice and in furtherance of said monopoly, refused to buy cottonseed except on weights and quality at mill destination, regardless of the true weights and quality of cottonseed so shipped from the point bought, and have entered into a specific agreement as to the amount of brokerage the seller should pay for the sale of such cottonseed, specifically limiting the amount to be paid on all cottonseed from wagons and from gins to the amount of $3 per ton, the same to include storage, handling, loading, loss in weight, and all other charges of every kind, and have limited the payment of commission to 50 cents per ton of seed in carload lots, notwithstanding the said respondents pay no part of said commission and the seller in order to dispose of his seed must comply with the provisions enumerated in said Exhibit A, for complainants aver that said respondents are the only buyers in Alabama of any appreciable amount of cottonseed offered for sale in the State, and in pursuance of the provisions of Exhibit A * * * the respondents have agreed among themselves, or among themselves and other buyers of cottonseed, not to buy cottonseed in carload lots in the State of Alabama unless the seller will sell his seed and accept weights and qualities thereof as fixed by the buyer at his or its mill, and thereby created, operated, aided, or abetted a trust combine or monopoly in the purchase of cottonseed in the State of Alabama."

That said "good practice," as set forth in said exhibit, is for the benefit of the respondents and enables them to control the price and buy seed at the price fixed by them, and forces the producer and others who deal in this product to sell at such price, regardless of its fair value.

That because of said conspiracy complainants are unable to sell their cottonseed to respondents or in the open market at any other price than that fixed "by said unlawful conspiracy or combine in restraint of trade, regardless of the true and fair value of said seed"; that said unlawful conspiracy and combine by respondents creates and maintains a fictitious price for cottonseed, in that none of the respondents will offer or pay more than the price fixed by them, and, in furtherance of said combine, the respondents, when said price is fixed, inform all sellers of cottonseed what will be paid, and, by reason of said combine and agreement in restraint of competition, complainants are unable to sell and dispose of their cottonseed at any other price.

That respondents, in furtherance of said monopolistic combine, have refused to accept for storage cottonseed on call for account of others or to buy cottonseed for future shipment beyond 15 days from the date of purchase, the purpose of such agreement being to prevent complainants and the producers of cottonseed from storing, or defendants from receiving, for prospective purchaser, and to limit the right to buy cottonseed for future delivery, where such shipment can not be made within 15 days from such purchase, thereby reducing and stifling competition in the price to be paid, and because the respondents constitute practically all the buyers of cottonseed for oil mills in the State, said agreement prevents the complainants and others from so selling, thereby aiding in creating a trust combine or monopoly in the purchase of cottonseed, "to the great injury and damage of complainants and other buyers and sellers of cottonseed and the producers thereof" and in restraint of the right to contract.

That the term "unit" as used in paragraph 2 of Exhibit A, which provides that "the price paid for cottonseed or charged for the products thereof is a matter of individual judgment, to be determined by each unit concerned. No unit is or should be under obligation to change or maintain its prices to meet the wishes or views of any other unit or group of units," and "alludes to and governs the said respondents and other oil mills in Alabama as a unit."

That respondents "in furtherance of said unlawful combine in restraint of trade, have agreed as set forth in section 12 of said Exhibit A, and in the execution of said provision have agreed upon and adopted a uniform sales contract form for all purchases of cottonseed, which the seller of cottonseed must conform to in order to sell * * * to any member of said unlawful combine thereby created, operated, aided, or abetted a trust combine or monopoly in the purchase of cottonseed in the State of Alabama, to the great injury and damage of complainants and other producers or dealers in cottonseed."

That "there are thousands of producers of cottonseed in the State of Alabama, and in and about the vicinity and place of business of complainants * * * who sell their cottonseed to complainants and others engaged in a similar business in the State of Alabama, and if the respondents are permitted to continue to carry out the unlawful conspiracy and combine * * * and force complainants to sell their seed to them under the rules and provisions contained in said Exhibit A, these complainants will be unable to pay the producers of cottonseed in the State of Alabama, as large a price as they would and could pay the producers of such cottonseed but for the alleged conspiracy and methods of doing business by respondents, *to the irreparable damage of complainants and said producers.*" (Italics supplied.)

On information and belief the bill charges "that the respondents and their co-conspirators in furtherance of said combine and restraint of trade, have set up what is termed an 'Interpretation Committee,' the functions and duty of which is to try and determine all grievances against any member of said conspiracy for the violation of any of said provisions contained in Exhibit A to the bill, * * * and the purpose thereof is to restrain any member of said conspiracy from in anywise breaching said provisions in order that said conspiracy may be fully consummated, and respondents enabled to purchase cottonseed at a price fixed by them."

The paper attached as Exhibit A to the bill appears on its face to be a set of resolutions at a trade-practice conference of "the Cotton Oil Mill Division of the Interstate Cottonseed Crushers' Association, held at Memphis, Tenn., on July 24, 1928," the preamble thereof asserting that the oil mills are "an agency which buys the cottonseed and manufactures it into products of great value to mankind, fill a necessary and proper function in relation to a basic agricultural product, and are entitled to a fair return for such services. They owe a duty alike to the farmer who produces the seed and to the consuming public which buys the products thereof. That duty includes the obligation to pay a fair price for the raw material, to deal fairly with labor, to manufacture efficiently, to eliminate waste, to sell the products at a fair price, to develop new uses, to approve and encourage sound and fair trade practices, and to condemn and prevent bad and unfair practices. In order to perform that duty it is advisable to encourage proper and ethical principles in the industry, to the end that competition may be open and constructive, and not secret and destructive. With these purposes in mind, the mills therefore declare that it is good practice in the operation of crushing cottonseed to abide by the following principles:

"1. Whereas there has been discrimination in the prices paid for cottonseed and in the prices charged for the products thereof; and

"Whereas the Congress of the United States in passing the Clayton Act and many States by enacting statutes have condemned price discrimination; and

"Whereas in order that the market value of cottonseed and its products may be known at all times by all who are interested to the end that discrimination in prices may be prevented," etc.

Following this preamble, certain acts, among others, are declared to be unfair competition:

"7. It is unfair competition to store or receive cottonseed on call for the account of others, or to contract for or buy cottonseed for future shipment where such shipment is beyond 15 days from date of purchase.

"8. It is unfair competition to buy cottonseed in carload quantities except on weights and quality at mill destination.

"9. Brokerage, if any, should be paid by the seller."

"*Resolved*, That where the practice of buying seed through commission agents is in existence, the payment of any amount in excess of $3 per ton on wagon seed and gin seed, such payment to include storage, handling, loading, loss in weight, and all other charges of every kind, and the payment of any commission in excess of 50 cents per

ton for buying carload seed is against public policy and hereby declared to be an unfair method of competition.

"*Resolved further*, That the payment of such commission to other than bona fide seed buyers who render a service, and/or in such manner that any part of it goes to the seller directly or indirectly through the medium of partners, influential friends, kinspeople, or under any other guise whatsoever, is hereby declared to be against public policy and an unfair method of competition.

"*Resolved further*, That the names of such 50-cent buyers be made available to the public.

"12. *Resolved*, That in order to conform to the principles of these rules a uniform purchase contract and account sales form should be used in all transactions."

The bill is filed by the complainants in behalf of themselves and all others so circumstanced, who may desire to join them, and prays that the defendants be enjoined and restrained from enforcing or conforming to the several resolutions above enumerated, in so far as they relate or apply to transactions in this State; from submitting complaints to the alleged "interpretation committee" as to the violation of said agreement existing between them relating to their acts in this State, and upon final hearing that the injunction be made perpetual.

The respondents demurred to the bill on numerous and sundry grounds, among others, which present the questions argued on this appeal—that there is no equity in the bill; that the case made by the bill is not within the jurisdiction of the State court, sitting as a court of equity; that it affirmatively appears from the averments of the bill that the Federal Trade Commission alone has jurisdiction over the subject matter of the bill; that it affirmatively appears that the District Court of the United States, for the Southern and Middle Districts of Alabama, alone has jurisdiction over the subject matter of the bill; that it affirmatively appears that the Circuit Court of Appeals for the Fifth Circuit of the United States alone has jurisdiction of the subject matter and cause of action therein alleged; that it affirmatively appears that the acts complained of relate to interstate commerce presenting a controversy not within the jurisdiction of the State court; that it affirmatively appears from the averments of the bill that the matters and things therein complained of are authorized by and do not contravene the laws of Alabama, and it distinctly appears from the terms and contents of said trade practice agreement, attached as Exhibit A to the bill, that they do not tend to create a conspiracy or an unlawful combine in the restraint of trade in buying and selling cottonseed, nor to control and fix the price thereof.

The respondents also interposed a plea alleging that the resolutions made Exhibit A to the bill were adopted at a trade conference under the guidance, advice, and cooperation of the Federal Trade Commission, presided over by a member of the Trade Commission, and were therefore reported to the said Federal Trade Commission for its approval, and on the 8th of October, 1928, the Federal Trade Commission en banc passed and approved the said resolutions and promulgated the same, and by so doing said resolutions were made the act, declaration, and decree of the Federal Trade Commission, to be and remain in full force and effect, under which respondents were authorized to do business; and therefore the Circuit Court was without jurisdiction to enjoin said resolutions of said Trade Commission.

The cause was set down for hearing on the demurrers to the bill, and on the sufficiency of the plea, and on consideration thereof the demurrers were overruled, and the plea held insufficient. From that decree this appeal is prosecuted.

Steiner, Crum & Weil, of Montgomery; Pettus & Fuller, of Selma; and Farmer, Merrill & Farmer, of Dothan, for appellants.

T. M. Espy and O. S. Lewis, both of Dothan, and W. O. Mulkey, of Geneva, for appellees.

Brown, J. (after stating the facts as above):

"(1) If we assume that the purchase of cottonseed by the respondents from the producers and others, to be crushed at their respective mills in this State and manufactured into cottonseed oil and other by-products, involves acts of interstate commerce, the contention of appellants that the case made by the bill is one within the exclusive jurisdiction of the Federal Trade Commission and the United States Circuit Court of Appeals is fully answered by the ruling of the United States Supreme Court in Federal Trade Commission *v.* Klesner (280 U. S. 19; 50 S. Ct. 1, 3; 74 L. Ed. —).

"In the cited case the Federal Trade Commission, by order entered, directed Klesner, an interior decorator doing business under the name of Hooper & Klesner, to 'cease and desist from using the words "Shade Shop" standing alone or in conjunction with other words as an identification of the business conducted by him, in any manner of advertisement, signs, stationery, telephone, or business directories, trade lists, or otherwise,' on the ground that the use of said words was unfair practice in that it infringed the trade rights of one Sammons, who had for many years done business under the name of 'The Shade Shop' and applied for the enforcement of this order by the Circuit Court of Appeals of the District of Columbia, wherein its application was dismissed. The Supreme Court reviewed that order on certiorari and observed: 'We need not decide whether the court of appeals was justified on all of its assumptions of fact or in its conclusions on matters of law, for we are of opinion that the decree should be affirmed on a preliminary ground which made it unnecessary for that court to inquire into the merits. Section 5 of the Federal Trade Commission act (15 U. S. C. A., sec. 45) does not provide private persons with an administrative remedy for private wrongs. The formal complaint is brought in the commission's name; the prosecution is wholly that of the Government, and it bears the entire expense of the prosecution. A person who deems himself aggrieved by the use of an unfair method of competition is not given the right to institute before the commission a complaint against the alleged wrongdoer. Nor may the commission authorize him to do so.'

Nor is there anything in the Federal Trade Commission act that authorizes it to approve and promulgate resolutions, rules, and regulations adopted by an aggregation of individuals or corporations in the prosecution of private business. It is "empowered and directed to prevent persons, partnerships, or corporations, except banks, and common carriers subject to the acts to regulate commerce, from using unfair methods of competition in commerce" (15 U. S. C. A. sec. 45); and the act provides: "Nor shall anything contained in said subdivision be construed to alter, modify, or repeal the said antitrust acts or the acts to regulate commerce or any part or parts thereof" (15 U. S. C. A. sec. 51).

(2) We are not of opinion, however, that the business of buying cottonseed, confined wholly to the State, to be crushed and manufactured into oil and other products, in such State, constitutes interstate commerce, within the scope and purpose of said act or within the sense of the Sherman and Clayton Acts (15 U. S. C. A. secs. 1–7, 15, and secs. 12–27, 44) which confer on the Federal courts exclusive jurisdiction to enforce said acts, though some of the manufactured products may eventually find their way into and become commodities of interstate commerce. "The fact, of itself, that an article when in the process of manufacture is intended for export to another State does not render it an article of interstate commerce." (Crescent Cotton Oil Co. *v.* State of Mississippi (257 U. S. 129, 42 S. Ct. 42, 44, 66 L. Ed. 166); Coe *v.* Errol (116 U. S. 517, 6 S. Ct. 475, 29 L. Ed. 715); New York Central R. R. Co. *v.* Mohney (252 U. S. 152, 40 S. Ct. 287, 64 L. Ed. 502, 9 A. L. R. 496).)

(3) Though, under the provisions of section 26, title 15, of the United States Code, Annotated, a private individual may maintain a suit to enjoin acts interfering with interstate commerce, in a proper case, the acts complained of must be immediately and directly against such commerce. (Gable *v.* Vonnegut Mach. Co. et al. (C. C. A.) 274 F. 66); Anderson *v.* Shipowners' Association of Pacific Coast (272 U. S. 359, 47 S. Ct. 125, 71 L. Ed. 298).)

These observations are sufficient to justify a denial of appellant's contention that, on the case made by the bill, the Federal district court only has jurisdiction to grant the relief prayed. (Home Telephone Co. *v.* Michigan R. R. Commission (174 Mich. 219, 140 N. W. 496).)

(4) Taking as true the averments of the bill, as must be done on demurrer, and interpreting the alleged resolutions made Exhibit A to the bill in the light of the facts averred, however inoffensive they may appear on their face, we have no difficulty in reaching the conclusion that the defendants have entered into a combine, pool, trust, or confederation, to regulate or fix the price of cottonseed in this State, and are attempting to destroy competition in the sale thereof in violation of the State antitrust laws. Code 1923, sections 5212–5214; Southern Cotton Oil Co. *v.* Knox et al., 202 Ala. 694, 81 So. 656; Arnold *v.* Jones Cotton Co., 152 Ala., 501, 44 So. 662, 12 L. R. A. (N. S.) 150; Georgia Fruit Exchange *v.* Turnipseed, 9 Ala. App. 123, 62 So. 542.

(5) This brings us to consider the sufficiency of the bill, as against the general demurrer for want of equity. The rule applicable here, in the absence of pertinent, specific grounds of demurrer, is that apparent amendable defects will be treated as amended, and only matters of substance will be considered. Code 1923, § 6553; McDuffie et al. *v.* Lynchburg Shoe Co. et al., 178 Ala. 268, 59 So. 567; House and Lot *v.* State ex rel. Patterson, 204 Ala. 108, 85 So. 382, 10 A. L. R. 1589; Seeberg *v.* Norville, 204 Ala. 20, 85 So. 505; Kelly *v.* Carmichael, 217 Ala. 534, 117 So. 67. In this connection it may be stated that there is no specific ground of demurrer going to the sufficiency of the averments that complainants will suffer irreparable injury.

(6) The weight of modern authority sustains the right of one injured in his business or property by a combine, to which he is not a party, formed for the purpose of creating a monopoly, fixing or controlling the prices of commodities in which he deals, in such sort as to stifle competition, contrary to law, to equitable relief by injunction, if the damages he would otherwise suffer are unascertainable, or the injury that would result is irreparable, or the controversy would occasion a multiplicity of suits. Tallassee Oil & Fertilizer Co. et al. *v.* H. S. & J. L. Holloway, 200 Ala. 492, 76 So. 434, L. R. A. 1918A, 280; Reeves *v.* Decorah Farmers' Cooperative Society, 160 Iowa, 194, 140 N. W. 844, 14 L. R. A. (N. S.) 1104; 19 R. C. L. 205, § 161, and authorities cited under note 16.

(7) The averments of the bill in respect to the result of the alleged combine between the defendants, briefly stated, are that defendants constitute all, or practically all, of the consumers of cottonseed in this

State; that they have entered into a combine to fix the price of this commodity in order that they may purchase at the price so fixed; that a part of the scheme agreed upon is to give publicity to the price they will offer, so that the producers may be advised, and in connection therewith that, as to purchases made by the parties in the combine, they will pay the freight to mill destination, where the quantity and quality are to be ascertained and determined, the seller agreeing to abide by such determination. That the parties to the combine have not only agreed among themselves to determine the price and give full publicity thereto, but they have agreed to fix the allowances, compensation, or profits to be allowed to persons who are engaged in the business of purchasing and selling for profit—that is, they agree to allow to the middleman 50 cents per ton for seed purchased and shipped in carload lots, and $3 per ton for all seed purchased from wagons and gins, this allowance to cover storage, handling, loading, loss in weight, "and all other charges of every kind, such charges and commissions to be paid by the seller." And a part of the alleged unlawful combine is "that the names of such 50-cent buyers be made available to the public." And the seller, in order to dispose of his seed, must comply with these rules or provisions, and thereby "respondents create and maintain a fictitious price for cottonseed" to the great injury and damage of complainants and other producers or dealers in cottonseed. "That if the respondents are permitted to continue to carry out the unlawful conspiracy and combine in this bill set forth and force complainants to sell their seed to them under the rules and provisions contained in said Exhibit A, these complainants will be unable to pay to the producers of cottonseed in the State of Alabama as large a price as they would or could pay the producers of such cottonseed but for the alleged conspiracy and methods of doing business by respondents, to the irreparable damage of complainants and said producers." That respondents have set up and maintain an "interpretation" or grievous "committee" to prevent a violation of the alleged combine or agreement.

Appellants insist the allegation that the alleged unlawful combine will occasion "irreparable injury" to complainants is a mere conclusion of the pleader, citing, in support thereof, Gulf Compress Co. *v.* Harris, Cortner & Co., 158 Ala. 343, 48 So. 477, 24 L. R. A. (N. S.) 399, and National Fireproofing Co. *v.* Mason Builders' Association et al. (C. C. A.) 169 F. 259, 20 L. R. A. (N. S.) 148.

In the case first above cited the complainants sought to restrain the defendants as warehousemen from exacting what they alleged to be excessive charges for storing and warehousing cotton for shipment, and rested the equity of the bill on the theory that the alleged wrongful conduct of the defendants would occasion a multiplicity of suits, and would be "practically ruinous to complainants." In considering the "motion to dismiss for want of equity," the court observed that:

"It is true it is alleged in the bill that if complainants submit to and pay the increased charges under the new schedule of rates it will be practically ruinous to complainants. This, however, in the light of the facts contained in the bill, can but be regarded as a conclusion of the pleader, and not as the statement of a fact. The difference in amount produced by the alleged overcharges as shown by the bill is too inconsiderable to warrant the conclusion that ruinous results would follow to a business of the kind and character as that engaged in by the complainants, when it is to be remembered that the overcharges so paid are not a permanent loss, and may be immediately recovered back in an action at law. We are unable to see how or in what way the complainants would suffer irreparable injury and damage from the alleged course of conduct of the respondent.

"It is urged that the complainants would be put to numerous suits at law, and hence the bill has equity upon the doctrine of the prevention of a multiplicity of suits. It can not be denied but that the complainants might in one action at law sue to recover all of the overcharges paid for the entire cotton season. One suit or a multiplicity of suits therefore would be a matter of complainants' own election." Gulf Compress Co. *v.* Harris, Cortner & Co., 158 Ala. 352, 353; 48 So. 477, 480; 24 L. R. A. (N. S.) 399.

The other case (National Fireproofing Co. *v.* Mason Builders' Association et al. (C. C. A.,) 169 F. 259; 26 L. R. A. (N. S.) 148) involved injuries alleged to have resulted from the violation of the Federal antitrust act, and it was there ruled that the remedy by injunction could not be invoked by an individual, as the act conferred this right on the Government only.

The Federal case is without application here, and unless it can be said, in the light of the facts averred in the bill, that the averments that complainants will suffer irreparable injury are a mere conclusion unsupported by the other averments of the bill, the holding in Gulf Compress Co. *v.* Harris, Cortner & Co., supra, is not controlling.

We are of opinion that it is reasonably clear from the facts averred that the dominant purpose of the alleged combine is to stifle competition to such extent that ginners and dealers in complainants' class will be forced out of the field of competition, leaving the field clear to a favored class, who purchase for defendants in carload lots and who can continue in business on the 50 cents per ton commissions.

In the face of the facts averred, and admitted to be true by the demurrer, it can not be assumed that the producers will sell to the ginner or small dealer at a price which will allow such dealer to make a commission of $3 per ton, when they can sell direct to the buyers for the mills on a basis of 50 cents commission, and have the freight paid by the mills to their destinations, where the weight and quality are to be determined.

On the other hand, it requires no argument to show that the ginner and small dealer can not pay the price fixed by the mills and sell at the same price and continue to do business; nor can such small dealer and ginner in the face of such competition continue in business by paying the price fixed by the mills, and sell to the favored class of commission buyers and pay the commission of 50 cents per ton.

We are, therefore, not of opinion that the averment of the bill that the alleged damages "are irreparable" is wholly unsupported by the other averments of the bill and is a mere conclusion of the pleader.

[8] It is a matter of judicial knowledge that the business of ginning cotton is a business affected with a public interest, and is an essential element of the great cotton industry in this State. Tallassee Oil & Fertilizer Co. et al. *v.* Holloway, supra. And we feel safe in holding that any unlawful combine that tends to hamper and destroy the business of the ginner justifies the interference of a court of equity, at the insistence of the party injured, if, under the rules of evidence applicable to an action for damages, he would not be able to prove his damages.

If the complainants were forced to resort to an action for damages, they would be compelled to rely on showing the loss of prospective profits arising, not from mere personal effort, but from the employment of both capital and labor in the conduct of their business, and the weight of authority is against the recovery of such damages. Beck *v.* West & Co., 87 Ala. 213, 6 So. 70; Central of Ga. Ry. Co. *v.* Weaver, 194 Ala. 46, 69 So. 521; Perfection Mattress & Spring Co. *v.* Dupree, 216 Ala. 303, 113 So. 74; Millican *v.* Haynes, 212 Ala. 539, 103 So. 564; Extensive notes 9 A. L. R. 510, 27 A. L. R. 430.

This view would render the damages "unascertainable," bringing the case within the rule sustaining the right of the injured party to equitable relief.

[9, 10] The insistence of appellants that the complainants, not being parties to the alleged unlawful agreement, are without right to complain, citing Lovejoy *v.* Bessemer Waterworks (146 Ala. 374, 41 So. 76, 6 L. R. A. (N. S.) 429, 9 Ann. Cas. 1068, and 9 Cyc. 380), is without merit and is not sustained by these authorities. The rule to the contrary is that one in pari delicto can not invoke the aid of equity to relieve himself from a situation into which he has brought himself. Employing Printers' Club et al. *v.* Doctor Blosser Co. (122 Ga. 509, 50 S. E. 353, 69 L. R. A. 90, 106 Am. St. Rep. 137, 2 Ann. Cas. 694).

We are in agreement with the principles announced in Doremus *v.* Hennessy (176 Ill. 608, 52 N. E. 924, 926, 54 N. E. 524, 43 L. R. A. 797, 802, 68 Am. St. Rep. 203, 207) that "lawful competition that may injure the business of another, even though successfully directed to driving that other out of business, is not actionable"; this is the general rule. (9 R. C. L. 146, sec. 111.)

[11, 12] On the other hand, the authorities are generally agreed that one who deals in any commodity and sells in the market has the same right to competition among buyers as the purchaser has to competition among sellers. While purchasers in competition with each other have the right to fix the price they will pay, yet it is unlawful for all of the buyers to combine for the purpose of stifling competition and fix the price of a commodity to the hurt of others. This is not lawful competition. (Code 1923, secs. 5212–5214; Arnold & Co. *v.* Jones's Cotton Co., 152 Ala. 501, 44 So. 662, 12 L. R. A. (N. S.) 150; 19 R. C. L. 137, sec. 103.)

We are of opinion that the decree overruling the demurrers is free from error, and is due to be affirmed.

Affirmed.

Anderson, C. J., and Sayre and Thomas, JJ., concur.

On rehearing

Brown, J. The appellants have renewed their contention, on rehearing, that inasmuch as the injunction bond is signed only by the appellees—there being no sureties thereon—the injunction is void.

(13) This appeal, as stated in the original opinion, is from a decree overruling the defendants' demurrers to the bill, and the question of the sufficiency of the injunction bond is in no way presented. This is a sufficient answer to the contention; but to show that it is without merit, if the question was presented, we quote from the opinion of this court in Jones *v.* Ewing et al. (56 Ala. 360), speaking through Brickell, circuit judge: "The irregularity for which the chancellor dissolved the injunction was the failure of the judge ordering the issue of the writ to require the complainant to execute a bond, with surety, for the payment of damages if the injunction was dissolved. (R. C., sec. 3480.) If it is conceded the order was for this reason irregular, it is voidable only, not void. The circuit judge had full authority to grant it, and the order was binding and conclusive until on a proper application it was vacated (People *v.* Sturtevant, 9 N. Y. 266, 59 Am. Dec. 536)." (To the same effect, 32 C. J. 401, sec. 678.)

True, the Mississippi cases—Morris *v.* Trussell (144 Miss. 343, 109 So. 854) and Castleman et al. *v.* State (94 Miss. 609, 47 So. 647), construing and applying the statutes of that State—are to the contrary, but they are in conflict with Jones *v.* Ewing et al., supra, construing our statute more than a half century ago, and the statute has been repeatedly readopted without change. Barnewell *v.* Murrell (108 Ala. 366, 18 So. 831).

We have stated the averments of the bill and their legal effect, giving emphasis to the statement in the resolutions, "to the end that discrimination in prices may be prevented." From this it is clear that some such thoughts as fixing prices were in mind, and, when the resolutions are taken in the light of the affirmative and positive averment that such agreement or combination was entered into, as we have held, they are sufficient as against the demurrers to give the bill equity.

The assertion of appellants in their brief on application for rehearing that there is an absence of averment in the bill that the appellants are operating under the alleged combine or trust agreement is fully answered by the statement of the case preceding the original opinion.

Moreover, this assertion is inconsistent with the further assertion that appellants have been "ruined" by the issuance of the injunction.

If, in fact, appellants are not operating their respective businesses in pursuance of the alleged combine or trust, or if in fact there is no such trust or combine, then the injunction in no way affects them in the conduct of their businesses. There is nothing in the injunction to restrain the defendants, each acting upon its own judgment without unlawful combine or agreement, from pursuing its own course in respect to its own particular business, and when it does no one can complain.

We are of opinion that the application should be overruled, and it is so ordered.

Anderson, C. J., and Sayre and Thomas, JJ., concur.

Cottonseed-oil mills are under the control and domination of Procter & Gamble, Swift & Co., Armour & Co., and two or three other large concerns that want to make their profits on the finished articles—made from cottonseed oil—and not from the crude product. They want the price of cottonseed oil to be cheap so they can keep the price of coconut, palm-kernel, and other imported oil down to a low level. The railroads, doubtless at the request of these concerns, are granting special freight rates on oils that are imported and used in competition with cottonseed oil. In a number of cases the rate on cottonseed oil is 50 per cent to 100 per cent higher than on imported oils.

From New Orleans to Kansas City, a distance of 878 miles, the freight charges on a car of coconut oil are $90; on cottonseed oil, for the same service, the charges are $136.50, a discrimination in favor of the imported oil of $46.50 on each carload. The low rate for coconut oil was put into effect February 15, 1927. The proposed rate was filed and notice was given 30 days prior thereto, as required by law, and no protest was entered. Why? The same people who are interested in cheap coconut oil are interested in cheap cottonseed oil.

From Houston, Tex., to Cincinnati, Ohio, it is 1,107 miles. The freight charges on a car of palm-kernel oil, if imported, from Houston to Cincinnati, are $81. The freight charges on a car of cottonseed oil are $184.50. Procter & Gamble, large soap and oleomargarine manufacturers at Cincinnati, own the Buckeye Cottonseed Oil Co. The Buckeye owns and controls a number of cottonseed-oil mills in the South.

COLONIAL NATIONAL MONUMENT IN VIRGINIA

Mr. COLTON. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 12235) to provide for the creation of the Colonial National Monument in the State of Virginia, and for other purposes, as amended.

The SPEAKER. The Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That upon proclamation of the President, as herein provided, sufficient of the areas hereinafter specified for the purposes of this act shall be established and set apart as the Colonial National Monument for the preservation of the historical structures and remains thereon and for the benefit and enjoyment of the people.

SEC. 2. That the Secretary of the Interior be, and he is hereby, authorized and directed to make an examination of Jamestown Island, parts of the city of Williamsburg, and the Yorktown battle field, all in the State of Virginia and suitable areas to connect said island, city, and battle field with a view to determining the area or areas thereof desirable for inclusion in the said Colonial National Monument, and upon completion thereof he shall make appropriate recommendations to the President, who shall establish the boundaries of said national monument by proclamation: *Provided,* That the boundaries so established may be enlarged or diminished by subsequent proclamation or proclamations of the President upon the recommendations of the Secretary of the Interior, any such enlargement only to include lands donated to the United States or purchased by the United States without resort to condemnation.

SEC. 3. That the Secretary of the Interior be, and he is hereby, authorized to accept donations of land, interest in land, buildings, structures, and other property within the boundaries of said monument as determined and fixed hereunder and donations of funds for the purchase and/or maintenance thereof, the evidence of title to such lands to be satisfactory to the Secretary of the Interior: *Provided,* That he may acquire on behalf of the United States by purchase when purchasable at prices deemed by him reasonable, otherwise by condemnation under the provisions of the act of August 1, 1888 (U. S. C., title 40, secs. 257, 258; 25 Stat. 357), such tracts of land within the said monument as may be necessary for the completion thereof: *Provided further,* That condemnation proceedings herein provided for shall not be had, exercised, or resorted to as to lands belonging to the Association for the Preservation of Virginia Antiquities, a corporation chartered under the laws of Virginia, or to the city of Williamsburg, Va., or to any other lands in said city except such lands as may be required for a right of way not exceeding 200 feet in width through the city of Williamsburg to connect with highways or parkways leading from Williamsburg to Jamestown and to Yorktown.

SEC. 4. That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary to carry out the provisions of this act, to be available for all expenses incident to the examination and establishment of the said Colonial National Monument and the protection and maintenance of lands and of buildings as acquired and/or constructed, as well as for the acquisition of lands needed for the completion of the monument, including the securing of options and other incidental expenses.

SEC. 5. That the administration, protection, and development of the aforesaid national monument shall be exercised under the direction of the Secretary of the Interior by the National Park Service, subject to the provisions of the act of August 25, 1916, entitled "An act to establish a National Park Service (U. S. C., title 16, secs. 1–4; 39 Stat. 535), and for other purposes," as amended.

SEC. 6. That nothing in this act shall be held to deprive the State of Virginia, or any political subdivision thereof, of its civil and criminal jurisdiction in and over the areas included in said national monument, nor shall this act in any way impair or affect the rights of citizenship of any resident therein; and save and except as the consent of the State of Virginia may be hereafter given, the legislative authority of said State in and over all areas included within said national monument shall not be diminished or affected by the creation of said national monument, nor by the terms and provisions of this act: *Provided,* That any rules and regulations authorized in section 5, and in the act therein referred to, shall not apply to any property of a public nature in the city of Williamsburg, other than property of the United States.

SEC. 7. In the event that lands and/or buildings, structures, and so forth, within the city of Williamsburg are donated to the United States and are thereafter revenue producing, the United States shall pay in the treasury of the city of Williamsburg 25 per cent of any rentals included in said revenues, and 25 per cent of the net proceeds of any commercial enterprise there conducted by the United States, such payment into the treasury of the city of Williamsburg not to exceed $20,000 in any year.

The SPEAKER. Is a second demanded?

Mr. STAFFORD. Mr. Speaker, I demand a second.

Mr. COLTON. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER. Without objection, it is so ordered.

The gentleman from Utah is recognized for 20 minutes, and the gentleman from Wisconsin for 20 minutes.

Mr. COLTON. Mr. Speaker, it is a striking coincidence that the definite beginning and close of the Colonial period in the United States should have occurred within an area having a radius of about 20 miles. It began at Jamestown in 1607 with the first permanent English settlement and closed with the surrender of Cornwallis at Yorktown.

This bill provides for the creation of a national monument out of that area where these great events occurred. The place of the founding of Jamestown in 1607 and the place where the city or town of Williamsburg was built, wherein so many historical events occurred, and the scene of the final surrender of Cornwallis at Yorktown are within 20 miles of each other.

At Jamestown Island, the Virginia Society for the Preservation of Antiquities and the Federal Government have made a very desirable beginning, but the bulk of the island is in private ownership. The erosion of the island by the waters of the James River has been protected against by concrete construction as to a small portion of the island, but below this concrete work the wearing away of the island continues and foundations of buildings erected over 300 years ago are being washed away.

Williamsburg, the early colonial capital, retains much to remind the visitor of its great colonial importance. Here was established in 1693 the College of William and Mary, the second oldest college in America; here in 1705 was constructed the first

legislative building, where Patrick Henry made some of his most noted speeches, where in 1776 the convention of Virginia passed resolutions calling on Congress to declare the Colonies free and independent States, where Mason's declaration of rights was adopted, and where was framed the first constitution of a free and independent State. Here George Washington received his commission as a surveyor and George Wythe, the first professor of law in America, instructed Thomas Jefferson, John Marshall, James Monroe, and many other of the giants of those days. Here is being carried on through the generosity of John D. Rockefeller, jr., the largest program of colonial restoration that will ever be possible in America. This colonial exhibition, of the greatest interest to Americans when completed, will be dedicated to America. Plans for the future maintenance of this restoration are not developed, but however maintained the restoration will be of outstanding importance as an exhibit pertaining to the colonial period.

At Yorktown the battle field, still retaining some of the early fortifications and numerous marks of that siege, is practically all in private ownership. If not brought into public ownership in the near future, the general development of this region following the construction of roads and bridges will remove all remaining traces of the historic events which took place here.

No one who has visited this wonderfully interesting area can help being impressed with the necessity of preserving for future generations these wonderful shrines of American liberty. I feel sure as the years go by they will become real shrines. Another place has been called the cradle of American liberty. It had its real beginning in the enchanted peninsula of Virginia.

We have created parks in various parts of the United States out of areas that nature has made particularly distinctive—great scenes of inspiration, scenes that the American people ought to visit, but we should not forget the great part that has been played by the patriots of the early period of the United States in making this Nation and making it possible for us to have parks, shrines, and monuments to visit. The places they made memorable should not be forgotten.

Among all of the places dear to the hearts of the people, none excel, from a standpoint of interest and importance, that area which will be incorporated in the Colonial National Monument, if this bill becomes a law.

America had its birthplace here; America finally won its independence here. As I stated before, it is the place of definite beginning and definite ending of the great colonial period.

This bill has been carefully prepared, it has been carefully considered by the Public Lands Committee. It has been framed expressly so as not to deprive the State of Virginia, or any political subdivision thereof, of any of its necessary jurisdiction. It has been approved by the General Assembly, or Legislature, of the State of Virginia, and so far as I know all of the officials of that great State are in favor of the passage of this bill.

Mr. STAFFORD. Will the gentleman yield?

Mr. COLTON. I yield.

Mr. STAFFORD. The report of the gentleman as filed in connection with the bill is illuminating, and yet it does not, as far as I can discover, give any description as to the amount of territory that will be comprised within the purview of the proposed monument.

Mr. COLTON. It has been almost impossible to determine by metes and bounds the area of this monument, but in the very nature of things the boundaries will not be extensive. It is intended to acquire that part of Jamestown Island, which was used for the founding of the permanent settlement. It may embrace that part of colonial Williamsburg that has particular historical significance, and that part of the battle field of Yorktown that is known to have been occupied during the battle and the Moore house and scenes incident to the surrender.

Mr. STAFFORD. Then as I understand the gentleman's statement, it is not intended to have the monument in one compact territory?

Mr. COLTON. That is true; it is not so intended. I think it is contemplated connecting the three places with a highway. It is contemplated that this highway will connect the three distinctive places at least.

Mr. STAFFORD. And the territory would be under the civil jurisdiction of the State of Virginia?

Mr. COLTON. That is true.

Mr. STAFFORD. And not have it supervised by the police of the National Government?

Mr. COLTON. No; unless in a very limited way. The bill expressly reserves to the State of Virginia the right to exercise its police power.

Mr. BOYLAN. Mr. Speaker, will the gentleman yield?

Mr. COLTON. Yes.

Mr. BOYLAN. The bill states that the United States shall pay into the treasury of the city of Williamsburg 25 per cent of any rentals included in said revenues, and also 25 per cent of the net proceeds of any commercial enterprise conducted there. What is the reason for that?

Mr. COLTON. The taking of a part of the city of Williamsburg will necessarily deprive the city of a large amount of its revenue. In fact, it may some time take a good deal right out of the very heart of the city, and in return for the taxes that they will lose on this property which may be taken this provision has been made to partly reimburse the city for the loss.

Mr. BOYLAN. I should think it would be sufficient honor to the city to have this made a national monument.

Mr. COLTON. It is an honor, and they appreciate it, but nevertheless there is a material side, and they may be deprived of a substantial revenue.

Mr. STAFFORD. Following the criticism of the gentleman from New York [Mr. BOYLAN], I believe the gentleman will agree that there is no other instance in legislative history where we have made a similar provision.

Mr. CRAMTON. The Forest Service is very similar.

Mr. COLTON. There are similar instances.

Mr. CRAMTON. The income in our national forests, or a substantial part of it, goes to the counties.

Mr. STAFFORD. I recognize that condition, because it is regarded as part of the public domain, but there is no similar provision which has been heretofore provided in matters of a national monument, and I think it is open to severe criticism on that account.

Mr. COLTON. In this particular instance we may take a large part of this city off the tax rolls, and it is only just to reimburse them, at least partially.

Mr. STAFFORD. But the incidental advantages, as pointed out by the gentleman from New York [Mr. BOYLAN], will far more than compensate for the little taken away for taxation purposes.

Mr. COLTON. Well, that is problematical. A good deal may be taken away.

Mr. STAFFORD. Mr. Speaker, I do not desire to use any of my time.

Mr. COLTON. I congratulate the author of this bill and all who have been instrumental in starting this movement for a great Colonial national monument. Truly it will be a shrine for American patriots.

The SPEAKER. The question is on the motion of the gentleman from Utah to suspend the rules and pass the bill.

The question was taken; and, in the opinion of the Chair, two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

Amend the title so as to read: "A bill to provide for the creation of the Colonial National Monument in the State of Virginia, and for other purposes."

ANNEX TO LIBRARY OF CONGRESS

Mr. LUCE. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 8372) to provide for the construction and equipment of an annex to the Library of Congress, which I send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That the commission created by the act entitled "An act to provide for the acquisition of certain property in the District of Columbia for the Library of Congress, and for other purposes," approved May 21, 1928, is authorized and directed to provide for the construction and equipment of a fireproof annex to the Library of Congress (including approaches, connections with the Capitol power plant, and architectural landscape treatment of the grounds). Such building shall be constructed on the site acquired under the provisions of such act of May 21, 1928. It shall contain suitable space for book, newspaper, and file stacks; for storage, reference, and other rooms; offices for the Copyright Office, card service, and the branch printing office and bindery. It shall be connected by a suitable tunnel with the Library of Congress, for which purpose the necessary structural changes in the Library of Congress building and additions to the said building are authorized. Such annex shall be equipped with such furnishings and mechanical and other equipment and apparatus as may be necessary, including equipment and apparatus required for transportation and communication between the Library of Congress and the annex.

SEC. 2. All plans for the construction or alteration of buildings under authority of this act shall be approved by the commission. The Architect of the Capitol, under the direction of the commission, is authorized, in carrying out the provisions of this act, to enter into contracts to purchase materials, supplies, equipment, and accessories in the open market, to employ necessary personnel, including architectural, engineering, and other professional services, without reference to section

35 of the act approved June 25, 1910 (U. S. C., title 40, sec. 265), section 3709 of the Revised Statutes (U. S. C., title 41, sec. 5), or the classification act of 1923, as amended (U. S. C., title 5, ch. 13; U. S. C., Supp. III, ch. 13), and to make such expenditures as may be necessary, including expenditures for advertising and travel and for the purchase of technical and reference books.

SEC. 3. The commission created under the act of May 21, 1928, shall continue in existence until six months after the completion of the building.

SEC. 4. There is authorized to be appropriated the sum of $6,500,000, or so much thereof as may be necessary, to enable the commission to carry out the provisions of this act. Appropriations made under authority of this act shall be disbursed by the disbursing officer of the Department of the Interior.

The SPEAKER. Is a second demanded?

Mr. STAFFORD. Mr. Speaker, I demand a second.

Mr. LUCE. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The gentleman from Massachusetts is entitled to 20 minutes and the gentleman from Wisconsin to 20 minutes.

Mr. LUCE. Mr. Speaker, when this matter had been placed on the Consent Calendar it was suggested that a proposal to spend $6,500,000 was important enough to deserve more discussion than was likely if it were taken up by consent, and, furthermore, that it might be well to say some things about the work of the Library. At this late hour in the afternoon, when it is hoped that another matter from the Committee on the Library may be taken up, I shall not consume the full 20 minutes, but simply upon this proposal take time enough to say that the growth of the Library compels action looking toward an extension. The Seventieth Congress provided for the taking of land east of the present structure, a square and a half, lying between the plot where the Folger Shakespeare Library is under construction, and Pennsylvania Avenue. The work of condemnation will begin just as soon as the bill recently passed by the House, relating to the technical phases of condemnation, shall have become a law. Expedition is necessary if we are to hope to get this building completed before the present structure becomes overcrowded.

There are in the present Library, or were at the end of 1929, almost 4,000,000 books, which, together with maps, views, music, prints, and pieces, made a total of 6,665,019 articles. Accessions in the year amounted to 267,068. That rate is sure to continue and will overtax the present building in three or four years.

The need for a new building is largely due to the bound volumes of newspapers, of which the Library is now receiving 892, of which there are retained for binding 342. The volumes are very bulky and require not only more room but better facilities for handling. Last year these bound volumes served more than 20,000 persons, including university students from Oxford, in England, to California, on the western shore. There are already more than 70,000 bound volumes of newspapers in the Library. It is planned to house these in the center of the new structure. Around the sides of the structure will be put the copyright office, the printing office, the bindery, the handling of the cards with which the Library of Congress supplies libraries throughout the country—in short, the mechanical work and the storage facilities that will relieve the present structure and will enable it to be wholly utilized for the purposes to which it is best adapted.

While I have this opportunity I want to say, for the benefit of all the Members, not particularly the new Members of the House, that I fear the opportunity for help furnished by the Library is not fully understood. I imagine that even the older Members are not aware of the fact that there are employed in the legislative reference service 26 persons who are at our command at any moment to secure information and aid us in the study of the problems before us.

Mr. STAFFORD. Mr. Speaker, will the gentleman yield?

Mr. LUCE. Yes.

Mr. STAFFORD. If there are that number at our command, why is it so difficult for us to get efficient service in the Library?

Mr. LUCE. Such has not been my experience.

Mr. STAFFORD. I have had difficulty in getting authoritative information on matters that I am interested in.

Mr. LUCE. It may be that there are not enough employed in that service. If the gentleman will go over the summary of the work those people have done in the last few months and study the records of the work they are doing, I am sure he will agree that they are fully employed. If an insufficient number are at work, I would gladly join the gentleman in recommending that more be employed. Any Member can by telephone call up the reference service and get such aid as may be needed.

Mr. LAGUARDIA. If the gentleman does not know exactly what he wants, he can not expect the legislative service to help him.

Mr. STAFFORD. I knew what I wanted, but there was some unfortunate person waiting on me who did not comprehend what I wanted.

Mr. LUCE. If the gentleman will furnish me further information for inquiry, I think I can satisfy him.

Mr. COOPER of Wisconsin. Mr. Speaker, will the gentleman yield?

Mr. LUCE. Yes.

Mr. COOPER of Wisconsin. Will the gentleman tell us what rank in the matter of size, and so forth, our Library holds in comparison with the other great libraries in the world?

Mr. LUCE. It is not less than third, and possibly second, if my memory is correct. Different methods are followed by different libraries in enumerating maps, manuscripts, prints, and such things. Measured simply by total pieces, I gave you between 6,000,000 and 7,000,000. I have an impression that we stand first, but I could not state positively. Anyhow, nobody is ahead of us unless it be the British Museum and the Bibliothèque Nationale of Paris.

Mr. COOPER of Wisconsin. I have read in the newspapers that in the number of volumes and documents the Library of Congress was not lower than No. 2, and very probably No. 1.

Mr. LUCE. That is my understanding of the case.

Mr. CHINDBLOM. Mr. Speaker, will the gentleman yield?

Mr. LUCE. Yes.

Mr. CHINDBLOM. In view of the colloquy between the gentleman from Wisconsin [Mr. STAFFORD] and the gentleman from Massachusetts with reference to the service of the legislative bureau in the Library, it is, of course, to be regretted that any Member on any occasion has not received the attention that was expected. I want to say for myself and have it in the RECORD that when I sought assistance there I have always gotten prompt and very efficient attention.

Mr. NELSON of Wisconsin. And I want to state emphatically that the service rendered has been very helpful to me, indeed.

Mr. STAFFORD. Mr. Speaker, will the gentleman yield?

Mr. LUCE. Yes.

Mr. STAFFORD. I wish to direct attention to a matter that is apart from this legislative service bureau. When I read this bill a few months ago I concluded that section 2 carried authority in its phraseology sufficient to allow the Architect of the Capitol to not only employ architects to prepare the plan for the annex but also to undertake the construction of the building under his immediate authority.

I know it is not the intention of the gentleman to confer such authority to construct the building, to undertake the work direct. I will read the language which I think justifies my construction:

The Architect of the Capitol, under the direction of the commission, is authorized, in carrying out the provisions of this act, to enter into contracts to purchase materials, supplies, equipment, and accessories in the open market, to employ necessary personnel, including architectural, engineering, and other professional services.

That language is sufficiently comprehensive to enable the Architect of the Capitol to undertake the construction of this building directly, to enter into contracts for construction and materials. I know it is not the intention that this building shall be erected by the architect in purchasing the materials and hiring labor direct. I understand that applies only to the preparation of the plans. Yet the wording of the bill is wide enough to permit the architect to build the building himself.

Mr. LUCE. This bill was drawn several months ago, and my recollection may have been dimmed somewhat; but I recall that the act under which the present structure was erected was copied, and that the draftsmanship was done with the help of the legislative drafting service.

Mr. STAFFORD. I thought that that referred only so far as the plans for construction were concerned. But the language I call attention to is broad enough to allow the architect himself to construct the building and purchase the materials.

Mr. LUCE. How would the gentleman propose to do it?

Mr. STAFFORD. This restriction is only so far as the preparation of the plans is concerned. It apparently is the purpose to allow the commission to enter into contracts and not leave it to the Architect of the Capitol to purchase material and undertake the construction direct.

Mr. LUCE. It is designed that in point of procedure this building shall be erected just as the present building was.

Mr. STAFFORD. It is not the intention of this act that the architect should himself purchase the necessary building materials, and hire the necessary labor. That is not the intention of this act, and yet the language in the act is susceptible of that interpretation.

Mr. LUCE. I doubt if the use of the same language used in previous construction would be subject to any such interpretation.

Mr. STAFFORD. If the gentleman would substitute for the word "act" in line 18, page 2, the word "section" it would carry out the intent of the committee and remove the ambiguity and the direct authority that this bill now vests in the Architect of the Capitol to built it on an individual material and employment basis.

Mr. LUCE. If there is such danger as the gentleman suggests, I thank him for bringing it to our attention. Of course, under the circumstances it would have to be attended to in another branch. An amendment would not be possible here under the rule about suspensions.

Mr. STAFFORD. The gentleman could ask unanimous consent to have that considered.

Mr. LUCE. I should not be willing to ask unanimous consent until I had given more reflection to the technical side of it than I can give on the spur of the moment.

Mr. STAFFORD. I realize the ultraconservatism of my friend from the ultraconservative Commonwealth of Massachusetts.

Mr. BRIGGS. Will the gentleman yield?

Mr. LUCE. I yield.

Mr. BRIGGS. Is it the intention in the building that is going to be constructed as an annex to the Library to preserve the symmetry and beauty of the Library as far as it can be done?

Mr. LUCE. Absolutely.

Mr. BRIGGS. It is not intended to put up some sort of monstrosity that is not going to fit in at all with the architectural character of the Library, to simply provide space without conforming to the symmetry and beauty of the building now there?

Mr. LUCE. As far as I can give my pledge, I will give it to that effect. The Senate and House chairmen and ranking minority members of the Committee on the Library are members of the commission, and, through all my experience, they have worked in complete harmony with the Fine Arts Commission. That commission has already been consulted in the matter of preliminary drawings, and, of course, will be consulted until the work reaches its conclusion.

Mr. BRIGGS. This work gives consideration not only to the immediate needs but, in substantial degree, to the prospective needs of the Library? Is that true?

Mr. LUCE. That is in the minds of all of us all the time.

Mr. BRIGGS. This contemplates having certain underground passages, which can be utilized for the storage of books, I understand. They will not be frequently used, but they want to retain them as a part of the Library's equipment?

Mr. LUCE. There will be an underground passage from the main building to the annex.

Mr. SABATH. Will the gentleman yield?

Mr. LUCE. Certainly.

Mr. SABATH. Do I understand the bill gives full power to the architect, and that the commission will have no jurisdiction to approve or disapprove of the contracts which the architect may himself enter into?

Mr. LUCE. Oh, no.

Mr. SABATH. From what the gentleman from Wisconsin states, that would be my understanding. It is my understanding that this bill takes away from the commission all power and vests that power in the architect, and that the commission in the future would not have any right to pass upon any of the contracts which the architect may enter into?

Mr. LUCE. I can not imagine that such could be the interpretation of the bill. This commission will have full control of the erecting of this building. That is what the commission was created for.

Mr. SABATH. And that is the intent of the bill?

Mr. LUCE. That is the intent of the bill, and in my judgment it is the meaning of the language. If it could be found that it is not the meaning of the language, of course it would be altered in another body.

Mr. BLANTON. Will the gentleman yield?

Mr. LUCE. I yield, certainly.

Mr. BLANTON. I would like to state that during my 12 years' use of the Library I have found all of the employees, from Mr. Putnam down, most obliging, painstaking, and efficient. They have worked for me on holidays, on Sundays, and until late at night many times when I have asked them to help me. I have found them the most efficient and underpaid employees of the entire United States Government. Their salaries should be raised at least 50 per cent from Librarian Putnam on down.

Mr. LUCE. I should also like to say that I have in my office several letters from Members of the House of precisely the same purport as the statement of the gentleman from Texas, the gentleman from Wisconsin [Mr. NELSON], and others who have testified.

Mr. SLOAN. Will the gentleman yield?

Mr. LUCE. Certainly.

Mr. SLOAN. I have read somewhat on the matter of the standing of the Library, and as I understand its rank is based on quality rather than quantity and on the fact that it is the growing great Library of the world.

Mr. LUCE. Undoubtedly.

Mr. SLOAN. And that it has the least obsolescent material in books, science, maps, and everything of that character, and it is more nearly up to date in all products of the world's brains than any other library in the world. So that in the point of quality and up-to-dateness our Library is entitled to be, like every other American institution, at the head.

The SPEAKER. The time of the gentleman from Massachusetts has expired.

Mr. STAFFORD. Mr. Speaker, I yield two minutes of my time to the gentleman from Massachusetts.

Mr. MORTON D. HULL. Will the gentleman yield?

Mr. LUCE. Yes.

Mr. MORTON D. HULL. Who are the parties to the contract to erect the building, as provided in this bill?

Mr. LUCE. The commission which was created by the last Congress on the one hand and the contractors on the other hand.

Mr. MORTON D. HULL. Is that the purpose of the bill?

Mr. LUCE. I say "the commission," but the language may be "the United States." I am not familiar enough with the phraseology of these contracts to know.

Mr. MORTON D. HULL. The bill says the architect is authorized to enter into a contract.

Mr. LUCE. But the architect can only take such action under the direction and with the approval of the commission.

Mr. MORTON D. HULL. Ordinarily, an architect's position is that of a third party and he acts as judge between the principal and the contractor as to the equities in the whole building construction.

Mr. LUCE. The Architect of the Capitol is our instrument for carrying out what we direct him to do. He is our instrument and under our control at all times.

Mr. MORTON D. HULL. But, apparently, he is made the principal in the contract under this bill.

Mr. LUCE. It certainly was not the intention to give him independent authority.

Mr. STAFFORD. That phraseology supports the contention I called to the attention of the gentleman from Massachusetts.

Mr. LUCE. If the gentleman is right, it shall be corrected elsewhere; but I still think the gentleman is not correct.

Mr. STAFFORD. The gentleman has more confidence in his ability to have things corrected elsewhere than I have.

Mr. LUCE. Under authority to extend my remarks, I would add that examination of the bill passed last December for the new Supreme Court Building shows that the same power was there given to the Architect of the Capitol. It should be borne in mind that his title may mislead. He is really our agent in the matter of carrying on all construction work connected with the public buildings on Capitol Hill, and as such will make contracts under the supervision of the commission. The architect of this new building for the Library will be secured from outside.

Mr. LUCE. The statute creating the Fine Arts Commission simply calls for its judgment on the location and artistic quality of works of art in the District, and specifically excludes the Capitol and the Library. It also is to advise the President and committees of Congress. Until the law enacted within a few days it had no authority to pass on buildings or matters architectural, nor could Congress require of it to exercise judgment on these things, except as committees might request.

The question was taken; and two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

MESSAGE FROM THE PRESIDENT—REVISION AND CODIFICATION OF THE LAWS OF THE CANAL ZONE (H. DOC. NO. 460)

The SPEAKER laid before the House the following message from the President, which was read, and, with the accompanying papers, referred to the Committee on Interstate and Foreign Commerce and ordered printed:

To the Congress of the United States:

In conformity with the provisions of the act of May 17, 1928 (45 Stat. 596), entitled "An act to revise and codify the laws of the Canal Zone," I transmit herewith a report submitted to me by the Secretary of War on progress made in the revision and codification of the laws now in force in the Canal Zone.

The changes in existing law recommended by the Secretary have my approval, and I recommend that they be given the approval of the Congress.

HERBERT HOOVER.

THE WHITE HOUSE, *June 9, 1930.*

MESSAGE FROM THE PRESIDENT—DRAFTS OF THE AMERICAN EMBASSY IN PETROGRAD (S. DOC. NO. 163)

The SPEAKER laid before the House a further message from the President, which was read, and, with the accompanying papers, referred to the Committee on Foreign Affairs and ordered printed:

To the Congress of the United States:

I commend to the favorable consideration of the Congress the inclosed report from the Secretary of State, to the end that legislation may be enacted to authorize an appropriation of not exceeding $44,446.05 for the payment of interest on funds represented by drafts drawn on the Secretary of State by the American Embassy in Petrograd and the American Embassy in Constantinople and transfers which the embassy at Constantinople undertook to make by cable communications to the Secretary of State between December 23, 1915, and April 21, 1917, in connection with the representation by the embassy of the interests of certain foreign governments and their nationals.

HERBERT HOOVER.

THE WHITE HOUSE, *June 9, 1930.*

VOLLBEHR COLLECTION OF INCUNABULA

Mr. TILSON. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 12696) authorizing an appropriation for the purchase of the Vollbehr collection of incunabula.

The Clerk read the bill, as follows:

Be it enacted, etc., That for the purpose of acquiring for the Library of Congress the collection of fifteenth century books known as the Vollbehr collection of incunabula and comprising 3,000 items, together with the copy on vellum of the Gutenberg 42-line Bible known as the St. Blasius-St. Paul copy, there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $1,500,000, or so much thereof as may be recommended by the Librarian of Congress in an estimate submitted for the purpose.

The SPEAKER. Is a second demanded?

Mr. LUCE. Mr. Speaker, I demand a second.

Mr. TILSON. Mr. Speaker, I ask unanimous consent that a second may be considered as ordered.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. TILSON. Mr. Speaker, the passage of this bill gives the privilege of purchasing the rare collection of incunabula, known as the Vollbehr collection. It must be enacted into law before the end of the present session or the offer will be withdrawn.

The bill was introduced by the gentleman from Mississippi [Mr. COLLINS] who on February 7 last made an address to the House which fully described the collection and which, together with some further study of the matter, proved to my satisfaction that this is an opportunity that should not be allowed to pass unimproved.

Mr. SCHAFER of Wisconsin. Will the gentleman yield for a brief question?

Mr. TILSON. Yes.

Mr. SCHAFER of Wisconsin. Has the Director of the Budget approved of this expenditure running way beyond the $1,000,000 point?

Mr. TILSON. It may be presented to the Director of the Budget after it has been authorized. I think the Director of the Budget would certainly approve any such an expenditure.

Mr. CRAMTON. If the gentleman will yield, the Library of Congress is an agency of the Congress itself, and the Congress has not as yet adopted the practice of submitting its own estimate to the Budget. This is within the control of the legislative branch purely.

Mr. TILSON. And even if it were not, I have no doubt that the Director of the Budget would promptly approve it.

Mr. MOORE of Virginia. I will say to the gentleman that the Budget law expressly excludes legislative matters from the jurisdiction of the Bureau of the Budget.

Mr. TILSON. Mr. Speaker, I reserve the balance of my time.

Mr. LUCE. Mr. Speaker, it is the unanimous hope of the Committee on the Library that this collection may become its property. It is the unanimous belief of the Committee on the Library that the House should take no action of this magnitude without having heard the opposing considerations.

Here is a case where widespread interest has been aroused, where an extraordinary number of letters have been sent to Members and where a surprising number of editorials have been printed. They have all been in favor of this measure, and this is the first time that on any floor has there been any opportunity to call the attention to those who are to make the decision, to all the facts.

I followed this rare practice of asking a second for a report that had been submitted without recommendation in order that the House itself may take the full responsibility.

It happens only once or twice in a Congress that a new policy is begun. Nearly all our work consists in developing old policies, but here is a new policy, in substance, that bids fair, in the end, to involve the expenditure of many millions of dollars. This has been set forth in the report accompanying the bill, which was prepared with some care, and which I would ask unanimous consent to insert in my remarks at this point.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

The matter referred to follows:

[H. Rept. No. 1769, 71st Cong., 2d sess.]

VOLLBEHR COLLECTION OF INCUNABULA

Mr. LUCE, from the Committee on the Library, submitted the following report (to accompany H. R. 12696):

Dr. Otto Vollbehr, of Berlin, Germany, now in this country, will sell to the Library of Congress his collection of 3,000 incunabula, including a Gutenberg Bible, for $1,500,000. It is understood that if his offer is not accepted before the adjournment of this session of Congress, the collection will be dispersed by sale at auction. Widespread interest has been aroused by this opportunity to secure for the Library a noteworthy collection, and there is genuine apprehension lest we let it slip through our fingers. The considerations should be weighed and decision promptly reached.

Between 1450 and 1455 Johann Gutenberg produced what is held to be the first book printed from movable metal type—a Bible in Latin. Only three perfect copies of it, printed on vellum, are known to have survived. The British Museum and the Bibliothèque Nationale in Paris each has a copy in two volumes. The third, in three volumes, is offered by Doctor Vollbehr.

"Incunabula" are books or other printed things that were produced before 1500. More than nine-tenths of those here in question are bound volumes. Typographically and taken as a whole the books of the first half century of printing have never been surpassed. They had to compete with the illuminated manuscripts of the period that brought forth the great artists of the Renaissance. This gives them value of no small importance to the students who would improve the printing art of to-day, the art that more than any other affects our daily lives. Also of practical consideration is the wide range of subjects. As was to be expected, those religious in nature prevail, but there are also the first printed copies of the classics and many volumes treating of the sciences, the professions, the occupations, even the amusements of the time, thus insuring broad historical worth.

It is, however, not to be questioned that the chief element in the value that is measured by dollars, is the element of rarity. This is the element that by itself determines the price of such things at the auction sales. In this respect the collection is well worth the price asked. Expert opinion places the value of the Gutenberg Bible alone at $600,000. A conservative estimate of the value of the incunabula places it at $1,000,000. This would make the market figure of the total at least $1,600,000. By reason of the competition of wealthy collectors the prices for such rarities, already astonishingly high, are steadily rising. If having acquired this collection we should ever have occasion to sell it, which is of course now inconceivable, it would probably bring several times the price paid. Purely as an investment it would be above question.

The bargain feature of the opportunity, however, would be justly held by many as not to be worthily taken into account. They would rather stress in general the cultural value of this collection and in particular the benefit to American scholarship by such a contribution to facilities for study. Development in this direction bids fair within no long time to make Washington the center of national culture, perhaps even of world culture. In and around our Library are gathering forces both individual and organized, that foretell the leadership of trained thought. Whatever will help is worth any cost within reason.

Then, too, something is to be said for the influence of what we here do, upon the hundreds of thousands of our people who every year come to observe, to admire, to learn. The Gutenberg Bible would take its place alongside the originals of the Declaration of Independence and the Constitution, to arouse that patriotism which springs from pride in community of ownership, as well as to inspire greater respect for the things of the spirit. No visitor having a scintilla of sympathy with the ties that bind us to the past or of interests in the proofs of

human progress could, for example, fail to be moved by the sight of the only copy that has come down to us of a little thing printed by William Caxton, the first English printer.

That memorabilia should now be more highly esteemed than ever before is gratifying. Their preservation adds to culture and, if collections of them are made easy of access and exposed to public view, so much the better. The sense of possession can delight a nation as well as an individual.

It is argued, also, that this acquisition would bring gifts of perhaps equal value. To encourage such recognition of the possibilities the Library presents for broader usefulness is an end that may well be taken into account.

These are the reasons that prompt every member of your committee to hope that this collection will become the property of the Nation. Yet they conceive it to be their duty to lay before you the considerations that militate against its purchase with public funds. No matter how widespread and enthusiastic the approval, we must remember that it comes from those who have given thought only to the advantages. If not a dissenting voice has been raised, it is more than ever our obligation to bear in mind that there are two sides to every question, and that it is the duty of a legislative body to develop both for the sake of wise decision.

The Library of Congress was created and has grown as an instrument of service, primarily service to Congress itself, secondarily service to the executive and judicial departments. Incidentally has come service to scholarship, service in the way of diffusion of knowledge throughout the land. To these ends we are this year appropriating $130,000 for the general purpose of buying books. Should that figure be repeated annually, it would be nearly a dozen years before we had bought books with a total value equal to the amount it is proposed to spend for the Vollbehr collection alone.

The Library is well equipped in certain fields, but in others it is palpably lacking. The expert consultants who have been gathered here with the help of the Library of Congress Trust Fund Board, report, for instance, that there is particular need of more technical and professional books in foreign languages. The question rises whether if $1,500,000 additional is to be spent for purchases, it could with greater benefit be spent on material of wider scholarly interest and greater practical helpfulness. For example, there is almost limitless opportunity to apply further the photostatic process in getting copies of rare manuscripts and books jealously preserved in libraries scattered over the world and now with difficulty reached by students. For working purposes the copy is just as good as the original, and the cost is far less than what the original would bring were it put up for sale.

When literary or otherwise cultural treasures come into the market, it is a question whether the Government should be a customer. So far it has not to any material extent made purchases where rarity has been the chief element of value. The deposit of such things in our library or in our museums has ordinarily resulted from private munificence, the benefactions of public-spirited citizens. We have not to any significant degree engaged in aiding the arts from the Public Treasury, in other words, subsidizing culture. We do not, as in France, secure for public museums the best productions of painters and sculptors. We do not as a Nation give subventions to music or the drama. Possibly we might well do these things, but when we begin we should know what we are doing.

It is the first step that costs. Purchase of this collection will bring us appeals that if heeded, offers that if accepted, will in the end mean many millions of expenditure. We shall have put ourselves in the market to compete with the collectors of all sorts of rarities, books, manuscripts, pictures, furniture, all sorts of things believed by their possessors to have historical or cultural value in one way or another, selling at artificial prices swollen by the rivalry of buyers possessed of great wealth. When private buyers will not pay the prices demanded, the resort will be to Congress. Unless Congress should delegate decision, its Members will find added to their perplexities just such pressure as that which has accompanied this proposal, and it will not always be so meritorious as in this instance.

In view, then, of the fact that this purchase, by reason of its magnitude, would embark us on an essentially new policy, with limitless possibilities, your committee feels the full responsibility should be that of the House itself. So it follows the course, rare but not lacking parliamentary precedent, of reporting the accompanying bill to the House without recommendation.

Mr. LUCE. If the gentlemen will read this report, they will find that there are the negative considerations. In the first place, that ours has always been a library of service, and that now for the first time are we to engage in the purchase of things where rarity is the chief factor. We join the army of collectors of rarities.

Mr. CRAMTON. Will the gentleman yield?

Mr. LUCE. Certainly.

Mr. CRAMTON. Of course, it is not easy to draw the line. The notable Chinese collection that was recently secured seemed to me to come very close to being valuable from the collector's standpoint rather than from the standpoint of use.

Mr. LUCE. It has value from the collector's standpoint, but already the study of it has disclosed important information bearing upon agriculture, and likely to be of benefit to those who follow that pursuit in this country. In other words, it combines the element of rarity and the element of information.

In the particular instance now under consideration you are asked to spend $1,500,000 for material that derives a very large part of its value from rarity.

Now, I say this in no hostility to the idea of buying things of cultural value. I am ready to join in buying, as they do in France, the best pictures that are produced every year, to display in museums. I am ready to join with all of the countries of the Old World that foster art, literature, culture. I think it is fair to the House to point out that we have not hitherto done this thing. If we to-day vote to buy this collection, I shall be glad if it is so voted, but the House should fully realize that in so doing it will have entered on a policy of limitless extent.

Mr. JOHNSON of Washington. Will the gentleman yield?

Mr. LUCE. I yield.

Mr. JOHNSON of Washington. I think it is fortunate that we have this great opportunity to get this splendid collection. The Gutenberg Bible, if it comes into possession of the United States, means a great deal. This is an opportunity that should not be lost. If I may say so, together with the Smithsonian Institution and the Carnegie Institute, the Rockefeller Foundation and other great organizations who are doing so much for the people, this Government can well afford to do its part. It is all for the United States of America which is going to live we hope for thousands of years. Even if times are hard we must remember "man can not live by bread alone."

Mr. LUCE. To make myself more familiar with what is going on in the Smithsonian Institution, I asked whether it spent any considerable amount of money, public money, in purchases, and they replied no. None of our various museums or institutions can be said to spend a substantial amount of the public money for the purchases of rarity.

Mr. JOHNSON of Washington. The Smithsonian Institution has very little of the public money.

Mr. LUCE. No; it is private money and the Smithsonian has a right to spend it as it sees fit. It does not come to Congress and ask us to buy a thing where rarity is the chief element of value.

Mr. STAFFORD. Will the gentleman yield?

Mr. LUCE. I yield.

Mr. STAFFORD. Can the gentleman inform the committee as to the amount Congress appropriates for the Library for the purchase of volumes? I know several years back, when I was serving as a member of the Committee on Appropriations, we appropriated $100,000 for that purpose.

Mr. LUCE. Of late we have authorized the expenditure of $100,000 a year for the purchase of books. This year the Appropriation Committee has been good enough to make it $130,000, aside from a special appropriation of $50,000 for the purchase of law books.

To-day we are asked to appropriate, for this single collection, more than ten times what we are going to put at the command of the Library the coming year, for the general purchase of books.

Mr. CRAMTON. Will the gentleman yield?

Mr. LUCE. I yield.

Mr. CRAMTON. The gentleman brings vividly before the House the fact that this great and cultured Nation should consider the possession of such a collection unless we are going to leave it to private collectors or to the municipal or State libraries, and that there can be no better place to inaugurate the policy than in the National Library. So it seems to me that, even though it might be admitted that it is a new policy, it is an enlightening and progressive policy.

Mr. LUCE. I absolutely, completely, and fully agree with the gentleman. But I had no right to submit this to the House without pointing out that this thing was being done and that you should realize that you are starting on an expenditure of money that will reach in the aggregate formidable proportions. I am ready to do it——

Mr. CHINDBLOM. We are all ready to do it.

Mr. LUCE. But I wanted you to do it with your eyes open.

The SPEAKER. The question is on the motion of the gentleman from Connecticut to suspend the rules and pass the bill.

The question was taken; and two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

ORDER OF BUSINESS

Mr. TILSON. Mr. Speaker, I ask unanimous consent that to-morrow the Consent Calendar shall be in order, beginning at where we left off to-day, without suspensions.

The SPEAKER. The gentleman from Connecticut asks unanimous consent that to-morrow the Consent Calendar may be called, beginning where we left off to-day, without suspensions. Is there objection?

There was no objection.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. CHRISTGAU, indefinitely, on account of important business.

SIXTH PAN AMERICAN CHILD CONGRESS

Mr. TEMPLE. Mr. Speaker, I present a conference report upon H. J. Res. 270, authorizing an appropriation to defray the expenses of the participation of the Government in the Sixth Pan American Child Congress, to be held at Lima, Peru, July, 1930, for printing under the rule.

EXTENSION OF REMARKS

CONTROL OF THE BANK FOR INTERNATIONAL SETTLEMENTS

Mr. McFADDEN. Mr. Speaker, under authority granted me I insert in the RECORD an address that I delivered on Control of the Bank for International Settlements, before the people's lobby, in the auditorium of the Nurses' Settlement, New York City, on June 7, 1930, at 10 a. m., as follows:

The history of banking as we know it covers scarcely more than two centuries. Introduced as an experiment near the end of the seventeenth century, it met with rapid success and has proved to be one of the great motive forces of modern society. This period is replete with new and successful extensions of banking practice. Progress was logical and consistent and presented nothing which at any moment might have been considered revolutionary or extraordinary. Handling other people's money is a matter of caution and confidence. Banks have always been domestic institutions, created and controlled by the sovereign power of the state.

But we are confronted to-day with the sudden emergence of a world bank, the Bank for International Settlements, at Basel, Switzerland, coming from we scarcely know where, the creature of no sovereign power, superior to the political control of any state, and offering to become the depository of the funds of all the world. Thirty days ago it did not exist, but to-day its doors are open for business, and a $50,000-a-year American president presides over its board meetings. So sudden, and indeed miraculous, has its birth been that we can only liken it to Minerva who sprang, full-armed, from the brow of Jove.

Inasmuch as it never occurred to any of us except our international financiers that a world bank was necessary, and as the Bank for International Settlements is already inviting us to deposit our gold in its secure, if remote, vaults, it might be well for us to inquire into its origin and purposes.

It has been created, we are told, to liquidate the World War, which task the politicians have been unable to accomplish in 12 years. Its primary function is to collect German war reparations annually—$500,000,000 a year for from 37 to 59 years, to compute the sum on which these annual payments over that period would constitute 6 per cent, and to sell bonds for that amount to private holders throughout the world; or, if the bonds are not commercialized in this way, then to pay the reparations annuities direct to the allied governments, as has been done in the past.

If the bank succeeds in disposing of the bonds to private investors, the proceeds go from the bank into the allied treasuries, and those treasuries, having thus been paid war reparations in full, have no further claim on Germany, and give her full quittance and a clean certificate of character. The private purchasers of the bonds thereafter become the collector of the German reparations.

Being engaged in such large money transactions on behalf of governments and individuals, the bank will have facilities to transact practically all the world's business, and it is prepared to do so. It will look to the League of Nations for protection, and to the World Court to adjudicate its contractual relationships.

The principle underlying the bank seems to be that all the world agrees that $500,000,000 a year are to be collected from Germany in war reparations for from 40 to 60 years, and that all the world desires to share in the annual receipts. Those people who are not yet, like the allied governments, beneficiaries of German reparations under the treaty of Versailles are expected to qualify by purchasing some of the bonds from one or another of the allied governments who now own them all, in order to participate in the enterprise.

It will be recalled that the United States did not become a party to the treaty of Versailles and refused to participate in the imposition or collection of reparations under that treaty. This fixed policy of 12 years we are now invited to abandon. The relatively small debt which Germany owes the United States is for the cost of our army of occupation after the armistice and for claims of private citizens, which have been adjudicated in a mixed court, and has nothing to do with the war reparations claimed by the allied governments.

So we have never had any connection with the war penalty imposed upon Germany by the allied nations, and the war reparations are owed to them alone. Inasmuch as Germany has ceaselessly protested the illegality and injustice of these penalties and made continuous protest to her creditors, and as we did not know much about it, we had rather congratulated ourselves that we were not a party to the controversy.

But the European statesmen evidently feel that we are wrong in this attitude and that we must now recognize the fact, because they have arranged under the Young plan to have us pay them possibly more than $3,000,000,000 for the right to collect a large part of the reparation annuities.

If this is so, we might as well have ratified the Treaty of Versailles in 1919 and have avoided criticism for these 12 years of isolation from Europe's political controversies.

The European statesmen, however, feel that it is better that we should come in now, contribute two or three billion dollars in gold to allied treasuries, and help fix the reparations obligation upon Germany irrevocably, than not to come in at all, especially as they fear that Germany may be strong enough to force a reduction of payments unless American power reinforces allied demands.

The total amount that Germany was to pay in reparations was first fixed by the London ultimatum in 1921, at $33,000,000,000. Of this sum, $12,000,000,000 were to be commercialized. So, if we had ratified the Treaty of Versailles as was expected of us in 1919 or 1920, our investors could have participated at once in this large offering. If they had so desired, they would probably have been allowed to absorb all of the $12,000,000,000, as everybody in Europe, due to the war, was very poor and hardly could have found the money to compete vigorously with American bidders.

It was perhaps as well that we did not do so, for the great revelation of the post-war period is the fact that Germany could not possibly pay the coupons on $33,000,000,000 of bonds, or even of $12,000,000,000. Indeed, they are protesting to-day that they can not pay the coupons on the $3,000,000,000 block of bonds imposed upon them by the Young plan, and available economic data indicates that this may be so.

In recognition of the fact that the demands of the London ultimatum were too high, the Dawes commission was called into being in 1923 to ascertain Germany's capacity to pay, and it fixed the total of the bonds which might be commercialized at between four and five billion dollars.

During all this time, we Americans were looking on, thinking ourselves disinterested observers as the European reparation question did not concern us. We did not even know what "commercialization" meant. It was not explained to us at the time the Dawes plan was adopted in 1924. But the allied governments and our international bankers had in mind all the time that the Dawes plan bonds might be commercialized at once in the United States.

Through diplomatic channels, which are soundproof so far as the public are concerned, the allied governments besought Washington to permit the bankers to put the bonds on sale in Wall Street in the same manner in which ordinary industrial or governmental bonds are offered. But President Coolidge was opposed to the principle of the thing, and this prevented the commercialization of any Dawes plan bonds whatever. As they could not be sold in the United States, no effort was made to sell them elsewhere.

So when it was known that President Coolidge would not succeed himself in 1929, and never having been able to obtain his cooperation, the allied governments, to lose no time, met at Geneva in September, 1928, and arranged for the appointment of the committee of experts, afterwards known as the Young committee, to revise the Dawes plan, fix the number of years over which the annuities should be paid, and name a definite sum to be commercialized as reparation bonds. Having confidence in the future, the allied statesmen hoped that the fate of the new venture might be more happy than that of the Dawes plan.

At the time of the Dawes plan Germany had no equal part in the decisions and was to receive none of the proceeds from commercialization of the bonds. But in 1926 Germany, quite secretly, was taken in as a sort of partner of the allied governments and given the promise of a substantial share in the proceeds that might be realized from any commercialization of the bonds. Not liking the idea of commercialization, Germany was an unwilling partner, but it was the lesser of two evils and better than getting no benefit at all. Germany was, in fact, not an independent state but an insolvent state in the hands of receivers and therefore obedient to their wishes.

Nevertheless, when the Young committee sat, its demands were so much higher than the Germans were willing to accept that they refused to assume the obligation, and the Young committee, in order to compel the Germans to agree, was obliged to threaten the stability of the entire German currency system, by rapidly withdrawing gold loans. As all the gold in Germany was borrowed from the Allies and the international bankers, she was at the mercy of the Young committee and had to sign. The Young committee fixed the total of the bonds that might be commercialized at $3,250,000,000 and created as an agency for selling them the Bank for International Settlements, which we are now considering.

Thus we see before us a bank so vastly greater than any bank heretofore known that it begins its operations by administering the entire

business affairs of a nation of 60,000,000 people as an ordinary bank might administer the affairs of an insolvent industrial company.

Banking power is now a phenomenon of modern civilization, the scope and magnitude of which was undreamed of 50 years ago. It registers the rapid rise and fall of civilizations and determines the energy or stagnation of society within a state. It was the magnitude of the stored-up wealth of the states of Europe that made the stage upon which the World War was waged so vast. The banking power of a state is measured by the amount of the precious metals which it possesses as a reserve for its currency. The quantity of sound currency which through its banking system the state can furnish to its people determines the business resources at the command of the people. It releases or restricts industrial and commercial energy according to its amount, and social and industrial life is energetic and prosperous or stagnant and languishing in proportion to the amount of good currency in circulation. It is, in a word, the difference between national wealth and national poverty.

Now, in order that we may view the new Bank for International Settlements against its proper background it is necessary to observe the results of the European war upon the European civilization. Everywhere as the war progressed private wealth was sucked into governmental treasuries and replaced in the hands of the holder by governmental securities. This monetary wealth was steadily drained to countries outside of Europe in payment for supplies and munitions. When the stored-up wealth of the warring states became exhausted, while the fury of war was yet unabated, they borrowed vast sums from sources outside of Europe, and especially from the United States. When the armistice came, the need for loans remained unabated in order to enable Europe to buy what it was too exhausted to produce. The great flow of gold into the United States after 1920 marked the completion of Europe's financial exhaustion and the final loss of its monetary wealth.

The great influx of gold into the United States which resulted from the war in like manner explains the new era of teeming industrial energy and financial power which has opened in the United States. A sound and abundant currency has released the native energy of its citizens and enabled them to exploit and develop the vast natural resources of the country. An enfeebled Europe can not compete successfully in trade and commerce, and under the operation of untrammeled economic law the seat of world power has shifted across the Atlantic and established itself in the Western Hemisphere. So great is the power of modern banking.

Now, suppose that the people of the United States, among whom the national wealth is broadly distributed (as it should be in a Republic), became inclined generally to invest their capital in long-term foreign bonds and securities rather than in business enterprises at home. Then many of them could live at ease by clipping their coupons; and because most of the liquid funds had gone out of the country into these foreign investments there would not be much capital for business enterprise to borrow and industry and commerce would slow down.

If most of this money were invested in long-term European bonds, then there would be a return to Europe on a vast scale of the monetary wealth that had been lost to it after the war. Paying 5 or 6 per cent for its use, it could be put to work to energize industry and commerce and perhaps earn 10 per cent for its users. At no distant date Europe could pay off its debt to America and regain the position of political, financial, and economic dominance which had been its own before the war.

The seat of power would have returned again to Europe, teeming with energy, and the United States after its brief burst of dazzling leadership would have subsided into a relative position indistinguishable from that which it occupied before the war. Its monetary wealth would be in large measure in the hands of foreigners, and its ownership would become precarious if unfriendly relations should supervene. Foreign investments are safe only if they are placed where they can be protected by military power.

The rise and fall of nations through the instrumentality of banking power is a phenomenon of our own time. It could not have taken place in earlier centuries. The banking system of a state, and the possession of the precious metals which measures the state's banking power, is an element of strength which determines the standard of living of its people, measures its military and naval resources, and determines its power of endurance in war. President Coolidge knew this, and in clear language set it forth in his Gettysburg address in 1928:

"Good credit, which is derived from sound financial conditions, is the principal foundation of national defense. That country which has so ordered its finances as to be in a position to furnish the largest amount of money will always be in the best position to protect itself."

The European war has made it evident, then, that the status of nations to-day is measured by their economic and financial conditions and by their banking power. That the statesmen of Europe were keenly alive to this fact is now apparent from a study of the treaty of Versailles. They, unlike the American negotiators at the Peace Conference were aware of the general European bankruptcy, and that the gold stocks still in their possession must be relinquished shortly in payment of trade debts. They saw that it was only by finding something to sell at an enormous price to Europe's creditors that Europe's solvency could be preserved, and they knew also that they had nothing of value to sell.

Faced with a future of utter gloom, the allied statesmen saw one ray of hope for quick restoration. It involved the casting aside of moral principle, but it afforded the means of possible rehabilitation.

This means, although it involved repudiation of the peace agreement which had brought hostilities to an end, was the imposition upon Germany of a war indemnity of such magnitude that if paid in a lump sum would rehabilitate the allied treasuries. Of course, Germany could not pay it in a lump sum, but Germany could pay annuities, and bonds might be issued for the lump sum, the coupons of which could be taken care of by the German annuities. If the allied states could dispose of these bonds promptly to purchasers outside of Europe, Europe's solvency would be preserved. There was the inevitable discovery that would be made later that Germany could not earn enough to pay the annuities, but that would be a problem for the foreigners who had bought the bonds, and in the meantime Europe would have been restored and capable of facing any new difficulties.

This conception of how the war should be liquidated was, in fact, adopted and put into treaty form after the armistice. The text of the treaty of Versailles itself discloses the precise method:

"In the event of bonds, obligations, or other evidence of indebtedness issued by Germany by way of security for or acknowledgment of her reparation debt being disposed of outright, not by way of pledge, to persons other than the several Governments in whose favor Germany's original indebtedness was created, an amount of such reparation indebtedness shall be deemed to be extinguished, corresponding to the nominal value of the bonds, etc., so disposed of outright, and the obligation of Germany in respect of such bonds shall be confined to her liability to the holders of the bonds."

If the bonds provided for, in pursuance of this provision, by the London ultimatum, $12,000,000,000 in amount, could have been commercialized, chiefly in the United States in 1921, much of Europe's gold could have been retained, and with this gold as a basis a substantial rehabilitation might have been hoped for. But the Senate did not ratify the treaty and the United States did not come within the operation of the clause of the treaty quoted above.

The subsequent steps, the Dawes plan of 1924 and the Young plan of 1929, for making commercialization effective in the United States are consistent efforts to do at a later date what could not be done in 1921.

The question of how much financial assistance the United States should give to Europe is one thing. The question whether assistance should be given by permitting allied states to collect the German war indemnity from American citizens, leaving American bondholders the sole collectors of the European reparation annuities is another. This latter question is a political one, notwithstanding the efforts of the international bankers and foreign propagandists to make it appear as an innocent economic transaction. To deny its political character and its grave political implications is an insult to the American intelligence.

It is high time, now that the flotation in America of these Young plan reparation bonds is imminent, for the American people to review the conditions under which the treaty of Versailles was imposed, and to realize the character of that treaty.

The agreement which President Wilson negotiated with the Germans and which brought hostilities to an end was an agreement which did not permit the imposition of punitive damages, or reparations, as they are called. It was binding in law upon the United States and upon the Allies. Germany had a right to rely upon its terms. Germany was not, at the time of the armistice, a conquered state wholly at the mercy of her enemies.

But after Germany disarmed as an evidence of good faith, the supreme war council repudiated the preliminary agreement, asserted conquest, and in order to attain conquest, blockaded Germany by land and sea for a period of six months, excluding all food supplies. Starvation ultimately compelled the Germans to sign the treaty of Versailles in exchange for the promise of food.

Under international law the treaty of Versailles is therefore void for fraud and duress, and Germany is not obligated to pay the penalties demanded by it.

I have repeatedly declared this in speeches which I have recently made in the House of Representatives and elsewhere. In these facts lie a fatal illegality in the Young plan bonds which are about to be offered to the American investor. No critic of what I have said has yet challenged the accuracy of this statement or of its significance although there has been much adverse comment of a trivial nature upon what I have said.

One of the American bankers who has been most active ever since the armistice in the effort to effect commercialization of these bonds in the United States, and in the present effort to sell the Young plan bonds here, made an address only the other day in which he charged me with unfounded and unjust accusations against the good faith of Germany. I made no unfounded or unjust accusations against the good faith of Germany. I said that the German people and Government know that the treaty of Versailles was illegally imposed, that

the London ultimatum, the Dawes plan and the Young plan were equally illegal, and that they will assert that illegality at the first opportunity.

I have seen nothing in the conduct of the German Republic since the war that was not characterized by good faith. But good faith as between Germany and the Allied Governments is a subject which the international bankers should approach with caution. The good faith of the Allies who signed the peace agreement of November 4, 1918, and then repudiated their obligation in order to attain a conquest after armistice needs more defense by the bankers than any alleged criticism which I have made of Germany.

So much for the legality of the reparation bonds.

I have pointed out above how, by investing most of their liquid wealth in long-term foreign securities, the people of a wealthy nation might live largely in idleness on the income, so long as their investments were productive, and how that condition would tend to slow down industry and enterprise for lack of the liquid capital that had gone into the foreign investments; and how, if the borrowers abroad used those funds in vigorous industry, commerce, and financial enterprise, the borrowing nations would rise in power and accumulate stored-up wealth. It would seem to be the part of patriotic statesmanship, therefore, to so direct the banking policy of the Nation that its funds be retained in domestic industry to the fullest possible extent, in order that healthy and profitable occupation be afforded the people, and thrift and integrity rewarded. So is a great and self-sustaining civilization constructed and maintained. The investment of surplus wealth abroad is not to be decried, but surplus wealth is only a minor proportion of the Nation's wealth; and its amount is determined by the domestic needs and not by the desire of foreigners to borrow or the lure of large commissions for international bankers.

Loans to Europe should be curtailed. These loans are in a different category from our other foreign loans. In other parts of the world nations are not striving to attain world power or to assert their rule over other peoples. But the shadow of European armaments lies across the world, and the spirit of aggression is not absent from European counsels.

Under the conception of the world bank, the interests of the United States and the interests of Europe would have to be regarded as one, and we would have to pool our wealth with theirs. To this end we would entrust the world bank with our gold, and permit it to dispense credit to us in accordance with our needs, which would be determined by the bank with reference also to the needs of the respective states of Europe. This would also involve the necessity of our becoming a member of the League of Nations and the World Court.

The conception of German reparations and their commercialization outside of Europe, their origin in a treaty of conquest, attained only by the exercise of bad faith, and the disingenuous method by which America was to be made to liquidate the war, by purchasing from the Allies the right to collect them from Germany, is an object lesson in European statesmanship would should give us pause.

So long as the people of the United States desire to remain sovereign and independent, so long must they maintain their own untrammeled banking power, subordinate to and controlled by the political Government at Washington, and dedicated to the principle of conserving the liquid wealth of the people for the use of the people themselves.

It is necessary that these questions be scrutinized closely at this time, for during this first postwar decade, powerful influences committed to other purposes have permeated our Government. Their energies have been directed primarily to the commercialization of the German reparation bonds in the United States, and in proof of this, it is only necessary to point to the imminent Young plan loan, which is only a forerunner of others, and of which the State and Treasury Departments have now publicly expressed approval.

The State Department from 1921 to 1925 and again since 1928, and the Treasury Department from 1921 to the present time, have been so administered that the Allied Governments were confident that they had the support of Washington in their plans for commercialization of the reparations here. The Secretaries of State and Treasury personally encouraged the Allies in the imposition of the London ultimatum of 1921 and the Dawes plan of 1924, while at the same time giving official assurances to the American people that the United States had nothing to do with German reparations.

They were willing to see the Dawes plan bonds commercialized in the United States, and it was only President Coolidge's firm refusal that prevented their sale here. The American people have been systematically deceived by assurances that the United States had, and would have, nothing to do with German reparations.

The Treasury Department has permitted the Federal Reserve Board to become dominated by the Federal Reserve Bank of New York, which through an official open purchase committee has acquired dominance over all the banks of the Federal reserve system. The Federal Reserve Bank of New York is eager to enter into close relationships with the Bank for International Settlements, and on its own initiative has already established the precedent of permitting European banks of issue to draw upon it for loans. All this has been done with the permission of the Secretary of the Treasury. The conclusion is impossible to escape that the State and Treasury Departments are willing to pool the banking systems of Europe and America, setting up a world financial power independent of and above the Government of the United States. The commercialization of the Young plan bonds in the United States, to which they have given their approval, is corroborating evidence of this purpose.

The international bankers, with the connivance of the State and Treasury Departments, courted the speculation in stocks with its inevitable collapse of the market in 1929, in order that industrial recession might take place here making room for the investment of the Nation's idle money in the reparation bonds which the Young committee had just created, primarily for sale in the United States.

By the sale of these bonds here in their billions, superimposed upon the other vast loans to Europe, the United States under present conditions could be transformed from the most active of manufacturing nations into a consuming and importing nation with a balance of trade against it.

Little by little since the war the Federal Reserve Bank of New York has encroached upon the powers of the Federal Reserve Board at Washington. More and more it has created for itself a place above and apart from the other Federal reserve banks whose policies it seeks to coordinate with its own. Through dominance over them, it is able to avail itself of the entire credit resources of the Federal reserve system, and it has used these resources, without seeking the approval of the Federal Reserve Board at Washington, to pour American money into the banks of Europe.

Thus it has been permitted, in the exercise of its own untrammeled will, to initiate a national financial policy for the United States.

What has the Secretary of the Treasury, who has held that office continuously for nearly 10 years, been doing about this? It has been in his power all the time to control and direct Federal reserve policy, for he is chairman of the Federal Reserve Board, and the Federal Reserve Board is a creature of the Congress and amenable to its will.

Why has he permitted the Federal Reserve Bank of New York to assume autocratic financial powers, to grant credits of hundreds of millions to European banks, to buy bills abroad, and to ship a thousand tons of gold metal to foreign countries at a time when the balance of payments was against them?

This growth of power in the Federal Reserve Bank of New York apparently meets with the Secretary's approval, for if he did not approve it he, as chairman of the Federal Reserve Board, could have checked its growth, or, if it might be argued that the laws permit the present development, then he could have asked the Congress for remedial legislation.

What has been done since the war to permit the creation in New York City of a colossal autocratic financial power, dominating the entire Federal reserve system of the United States, and indifferent to, if not contemptuous of, political control from Washington, has been done with the full knowledge, consent, and approval of the Secretary of the Treasury.

What has been done in the field of foreign political relations, secretly and under the guise of economics and private finance, to permit the allied states to collect the German war indemnity from American citizens through a peculiarly subtle and disingenuous economic device, has also been done with his approval and consent. Ten years of shrewdly concealed negotiations in which the Treasury Department, the State Department, and the international bankers on this side of the Atlantic have worked hand and glove with the European statesmen and financiers, have led us to the present situation—a virtual demand that the United States ratify the financial clauses of the treaty of Versailles.

In a few days, so we are informed by the international bankers, the Young plan reparation bonds, a hundred millions in amount, will be offered in Wall Street. This is the first slice only from a bond issue from which 30 more slices like this one may be cut and likewise offered in Wall Street—$3,250,000,000 in all.

So the sudden rise to dominance of the Federal Reserve Bank of New York, its new powers to draw at will upon the resources of the Federal reserve system and to pour American money into Europe with facility, is evidently not without a purpose. The bank feels itself quite able to shift successfully $3,000,000,000 of American wealth to Europe in exchange for the Young plan reparation bonds.

The Secretary of the Treasury has just said:

"The United States has at all times maintained a detached position with respect to the European reparation question, and the claims of the United States have been determined independently by an international judicial commission upon which Germany was equally represented."

And this:

"Both the Secretary of State and I have felt that the position so steadfastly adhered to by our Government was a sound one, and that there was no justification at this late date for involving our country in the responsibilities of collecting and distributing reparation payments, which adoption of the Young plan would necessitate.

"Obviously we could not avail ourselves of the machinery provided by the Young plan and at the same time refuse to accept any of its responsibilities."

That the United States has not maintained a detached position with respect to the European reparations question is proved by the Young

plan developments; and it is hard to believe that the Secretaries of State and Treasury honestly think a detached position for the United States to be a sound one. There is indeed no justification at this late date for involving our country in the responsibilities of collecting and distributing the reparation payments; but when these words are uttered by the Secretary of the Treasury one can only listen with amazement. He has striven for 10 years with unflagging persistence, infinite patience, and sleuth-like secrecy to market the reparation bonds in the United States, and his labors are now approaching fruition in the Young plan He knows that we are, in fact, availing ourselves of the machinery of the Young plan and must inevitably accept its responsibilities.

The present Secretary of State is new to the reparations game, but he is a quick student and a docile pupil. It was easy for him to fall in step with the procession. Only a few months after taking office he administered to us his reparations sedative or opiate of May 16, 1929, which assured us that our Federal reserve system would have nothing to do with the Bank for International Settlements. He is content to have the reparations developments go forward under the able and experienced leadership of the Secretary of the Treasury.

Let us review the brief but spectacular history of the Bank for International Settlements. Its creation was provided for by the Young plan in the spring of 1929, and at that time it was thought that the bank would be in operation by November 1 when it was also expected the Young plan reparation bonds would be put on sale. What a happy consummation this would have been for the Versailles conception, for it will be recalled October witnessed the end of the boom in Wall Street and the deflation of the market—an ideal moment for a colossal offering of bonds.

But there have been interminable delays. Six precious months of low prices, low money rates, and idle funds have passed, and the bonds are not yet on sale; and there is as yet no work for the Bank for International Settlements to do. All the advertising of the reparation loan that could be done has been done. The market for securities is held stagnant waiting for the reparations loan. Idle brokers in the Wall Street offices are playing checkers to pass the time. The international bankers say the loan will go over "with bells on," but a leading expert on bonds says that the enthusiasm for the loan is "artificial."

With a market in America so perfectly adjusted to take the Young plan bonds, one wonders what may be the cause of the delay in Europe in releasing the bonds for commercialization. The Bank for International Settlements opened its doors at Basel on May 12 ready to declare the Young plan in operation. But the necessary guaranty bond had not yet been received from Germany, and Britain, it appears, did not want many of the bonds, no more, in fact, than those covering the annuities allotted to her. The neutral European countries too, looked askance at the bonds. Only France was anxious for them, and there appeared to be general discord rather than general peace. It was uncertain whether the coupons were to be payable in gold or in currency of the country where the bonds were issued. Bankers, treaty experts, and jurists struggled manfully over many knotty questions. The road was a hard one and much ground was yet to be covered.

Under these circumstances, our Government at Washington decided that some encouragement was needed in Europe, so on May 30 the Treasury Department made an announcement. Treasury officials announced that the end of the irregular condition in the bond market had been reached—that condition has now been reached which, during the stock speculation of 1929, the Secretary of the Treasury evidently had in mind when he said humorously that the speculation would continue "until gentlemen prefer bonds."

"The Treasury," the announcement said, "believes there will be no difficulty at all in the flotation of the German reparation bonds soon to be offered." This message, carried to the European treasury experts and bankers sitting at Paris, ought to have infused light and joy into the prevailing gloom. It was a powerful encouragement to them to hope that they might dispose of the Young plan bonds in America and likewise a warning to the German Minister of Finance that there would be no Executive approval in Washington of a refusal to forward the guaranty. The Treasury announcement also informed us that the strength in bonds lies among the big holders of capital, and that if they turn to bonds it will be a spearhead of a revival movement, as these large investors lead the way, and small investors follow. The House of Morgan, it says, has sole permission to sell them, and it is expected that the bonds will be taken up without hesitation. Finally, the Treasury advises banks to encourage their depositors to employ their funds in bond buying rather than in stocks, saying that this advice would be "exceedingly wise under present conditions."

Faithful to the European cause, the Secretary of the Treasury, in this announcement, brings powerful and sorely needed aid to the European governments and the Bank for International Settlements.

Furthermore, the State Department has officially inquired of France why the flotation of the bonds is desired at this time, and France has replied that it is to establish a precedent. It wants the terms of the Young plan made permanent by passing German reparation bonds out of the hands of allied governments into the hands of individual Frenchmen, Englishmen, and Americans, with whom it will be impossible for Germany to deal as a unit and who will never consent to any further scaling down of German war payments. The larger the amount floated in the United States, says the French note, the greater the extent to which the American public becomes interested in perpetuating German reparation payments. The political nature of the bond issue is thus obvious.

This is satisfactory to our State Department, as it has accepted this explanation and given its consent to the sale of the Young plan bonds here. By this action it fixes a foreign policy for the United States of far-reaching consequences and one which reverses Government policy definitely followed since the war. It injects the United States into the midst of the most bitter and permanent intra-European feud that has ever torn that continent, and it does it through a long course of devious and secret diplomacy, foreign heretofore to the counsels of a republic, and abhorrent to the long-tried principles of republicanism.

It is a sinister fact that secret diplomacy has thus been at work in Washington since the war, for until now we have been free from this plague upon the peoples of the world. The treaty of Versailles was to effect a vast financial settlement based upon the principle of commercializing an enormous German indemnity chiefly in the United States, and to this principle the international bankers of the United States were committed. The billions collected from the sale of the bonds in America would go at once into allied treasuries and rehabilitate the allied nations financially. Nothing else in the treaty was of importance to the European statesmen compared with this.

Upon the refusal of the Senate to ratify the treaty in 1920, the European statesmen and the financiers did not abandon their purpose but were thereby forced to resort to a long course of cautious but persistent pressure.

In the United States the international bankers succeeded in 1921 in filling the offices of Secretary of State and Treasury with their agents. Through a cycle of 10 years the London ultimatum, the Dawes, and the Young plans have brought us in a circle back to the settlements of the Versailles treaty. Perfect coordination between the State Department, the Treasury Department, the international bankers, and the European governments have at last effected this result, and at no time have the suspicions or apprehensions of the American public been awakened. The exotic excellencies of Old World diplomacy have been imported into Washington and practiced with a master hand.

Although powerful forces are behind the sale of the Young plan bonds in America, and the plans have been arranged to the last detail, it is not too late to arrest action, and to bring about adequate inquiry into the consequences and effects of commercialization of the bonds here; and of the connection which it has with the erection of the Bank for International Settlements at Basel and the influence of this bank upon our Federal reserve system. But in order that this may be done, public interest which is already awakened, must manifest itself in inquiry and in protests against precipitate action.

The question is primarily political, as the French Government itself has just confessed in its reply to Washington, and it is a question of European politics. The question is whether, after 10 years of neutrality on the controversy in Europe over the German war indemnity, the United States shall unite with the allied States in their demands, and by its superior power fix the amount irrevocably which Germany is to pay. Furthermore, whether the United States shall itself pay the amount in full for Germany, and then look to Germany for repayment in annual installments?

For us the war is over. We have no desire to reopen it. Nor do we wish to merge and pool our resources under the administration of alien minds and for alien purposes. To this end it were wise that we take steps to bring our banking system again within the control of our Government, leaving to the Bank for International Settlements the whole European field over which to roam.

THE TOBACCO-GRADING SERVICE

Mr. LANKFORD of Georgia. Mr. Speaker, I wish to say a few words about the tobacco-grading service.

NEW IN GEORGIA

The extensive production of tobacco in Georgia has developed during the last 10 or 12 years. In my district there is now probably more money made out of tobacco than from any other one crop.

PEOPLE WANT TO LEARN

The farmers are anxious to learn everything possible about the production, grading, and sale of tobacco. The Government can render a real service to the farmers of the tobacco-producing sections by helping the farmers know how to produce good grades and by seeing they get a good price for the good grades when offered for sale.

GRADING SERVICE

I have watched the tobacco sales for years and I can not for the life of me tell whether the farmer is getting a square deal or not, and I find the farmers feel the same way about the matter. I am convinced that there should be an impartial grading by an expert tobacco man who is friendly to the grower.

FREE GRADING

On January 31 of this year Senator GEORGE and I introduced companion bills to provide free Government grading of tobacco wherever and whenever requested by the tobacco farmer. It now is apparent that in spite of our best efforts these bills may not pass in time to secure free grading service this season.

PROFITABLE TO GOVERNMENT

I have repeatedly pointed out that the Government gets nearly twice as much out of a crop of tobacco as goes to the producers. This does not take into consideration the labor and other expenses of the farmer. Some time the farmer gets very little or no net profit. The Government gets many times as much net cash as all the tobacco growers.

TOBACCO TAXES

The tobacco taxes in the United States last year was nearly $500,000,000.

UNFAIR TAXATION

The Government should not collect this enormous tax, to the loss of the total amount to the farmers. At least a part should be returned to the farmers in furnishing free Government grading service of leaf tobacco before it is offered for sale.

STATES SHOULD GET PART

We have an inheritance tax law, allowing a man who pays an inheritance tax to his State to receive a certain credit on the amount he would be due the Federal Government. Why not a similar system as to the tobacco tax?

REDUCTION OF STATE TAXES

It has been said that Congress can not bring about the reduction of State, county, and city taxes. This is all wrong. The Government can return a large part of the tobacco tax to the local communities or the Government can quit taxing the manufactured tobacco, in whole or in part, and leave this source of revenue to the State and its subdivisions. This should be done.

HELP NEEDED NOW

Such reliefs and many others have been denied the farmers in spite of the pleas of the friends of the farmers here, and we must now cast about for such emergency relief as can be secured at this time.

FEE SYSTEM AVAILABLE

Since we can not get free grading service just now it becomes necessary for us to use that which is available and pay the fee that is required under the law.

GRADING IS OPTIONAL

The farmer can decide for himself whether he will have his tobacco graded or not. If it proves profitable, as I hope it will, all the farmers will demand it.

GRADING IS SUCCESS

The service has proven itself to be highly satisfactory wherever it has been tried.

BEFORE SALE

The grading takes places before the tobacco is sold on the warehouse floors. This gives the farmer the benefit of the service.

FARMER GETS BENEFIT

This enables the farmer to know the grade of his tobacco before it is sold and to estimate what it should bring.

GRADE ANNOUNCED

When a basket of inspected tobacco is offered for sale the United States grade is announced and the sale proceeds.

NOT IN DARK

Everybody knows what the Government inspectors say is the proper grade and about what should be paid for the tobacco.

ALL BENEFITED

The warehouseman, the buyer, and the seller are on the same level. All have the benefit of the Government inspection. The warehouseman knows better where to start the bidding. The buyer has the benefit of two inspections, one of which is careful and not in a rush instead of only one hurried inspection under unfavorable conditions. The seller knows what he is doing in so far as a careful grader can advise him.

FRIENDLY TO SELLER

The farmer soon finds that the grader is his friend and is trying to help him get a better price. He feels that the grader is impartial. The grader tells the farmer about the different grades, and soon the farmer finds he is learning the different grades and how to produce them.

DONE CAREFULLY

The grading is done carefully. The grader takes his time; often goes to a window where there is more light and takes such other steps as are necessary to make a fair, honest inspection.

SORTING IS STUDIED

During all this time the grader is teaching the farmer how to grow good grades, how to cure his tobacco, and how to sort and grade his tobacco.

IMPROVEMENT SEEN

The Government graders declare that when a load of tobacco is graded and defective sorting or other objections are pointed out, invariably the farmer's very next load is in much better shape and the farmer gets a much better price.

UNIT OF MEASUREMENT

In the second place, an official grading system gives the growers a common language for discussing their tobacco, such as "How did you make out in your crop?" "Well, I had some A2F that brought 40 cents. My B's averaged about 22." In other words, the Federal grading system furnishes a common unit of measurement for quality, and that in itself is a matter of no small consequence, for once that is supplied and the farmer is stimulated to see how far up on the scale of quality he can reach, the beneficial effects become apparent. Furthermore, the utility of such a means for denoting quality will be of utmost value in a market news service on tobacco.

CAUSES UNIFORMITY

It is true in tobacco, as in every other commodity, that better prices will be paid for even-running grades than for mixed lots. Uniform tobacco not only pleases the eye, and thus appeals to the buyer, but has a more practical value. The purchaser of the tobacco, be he a dealer or a manufacturer, has to sort out the mixed grades. Therefore the price he is willing to pay must allow for the cost of sorting. Also, it must allow for his uncertainty as to how much good and how much poor tobacco there is in the pile. Naturally, his price on a mixed lot will lean toward the low grades. It follows, then, that in sorting out the tobacco for himself the farmer will get the benefit of what it would cost the purchaser to sort it, plus the allowance he would make for uncertainty. This is more important than it sounds.

INTELLIGENT BASIS

Another advantage to the grower whose tobacco has been graded is that he has an intelligent basis for deciding whether he has received a fair price. Each week's sales are, or should be, summarized to show by grades the average price paid.

PRICE CHART

Charts showing the average price by grades for sales to date are posted in the warehouse during the selling season. By referring to the chart of prices the farmers can ascertain the average selling price of tobacco of the same grade as his own. If his basket sells materially lower than that average, he has reasonable grounds for rejecting the sale.

LESS "TURNED TICKETS"

It has been found that where tobacco is graded there are not so many "turned tickets" showing rejections of bids. This alone means a great saving to the farmers. They are advised as to whether or not they are getting a fair price and only reject bids when they know they should get a higher price.

STABILIZATION OF PRICES

Prices become more uniform. There is less possibility of a basket of tobacco in one row selling for $10 and the sale then being rejected and the same tobacco moved to another row and later sold for $25. The farmer would probably get the right price by the first sale.

PREVENTS SNAP JUDGMENT

In place of the snap judgment of a buyer, who relies on the protection of average for errors in judgment, we have the judgment of licensed graders, who are on hand in sufficient numbers to keep ahead of sales and yet take time for a careful inspection of the tobacco. As a result the variations in price for tobacco of the same general grade are smaller and there is less cause for dissatisfaction.

HELPS BUYER

From the standpoint of the floor buyer, inspection has several advantages. The presence of a Federal grade mark enables him to bid with more assurance. It is not that he is not a competent judge of tobacco, but two men's judgment is always better than one. Furthermore, the grade mark often calls a buyer's attention to the presence of specific grades of tobacco which he wants and which he might otherwise overlook.

GREAT SPEED

Sales of tobacco are made at great speed. Three hundred piles an hour is probably the most common rule, in markets of any size, though at some the rate is speeded up to 340 or 350 an hour, sold one pile at a time.

To the uninitiated the proceedings are unintelligible. The auctioneer uses a rapid singsong, and a mere word seems to

stand as a bid. The group proceeds down the line, the buyers pulling out hands of tobacco, inspecting them, and tossing them back into the pile—a sale completed every 8 or 10 seconds.

FARMER FEELS HELPLESS

We may sympathize with the grower if he feels helpless in the presence of a tobacco sale. Big business is there, pausing to name a price on his crop, and moving on. Who is there to tell him why, if the price is lower than he expected? The man who bought it puts his company's private grade mark on the ticket, but that means nothing to the farmer. The warehouseman, anxious to retain customers, does the best he can to propitiate him, but, lacking a universal system of grades and an authentic determination of grade, there is little he can do.

ACCIDENTAL DEPRESSION OF PRICES

Among the factors present which may unjustly though accidentally depress the price for this or that pile of tobacco may be mentioned the following: Light conditions vary, and the light conditions have an important effect on color. Color is a prime consideration in buying tobacco. Under the pressure of rapid sales, time is not available to the buyers either for a careful examination down through a pile of tobacco or for carrying samples a few feet so that all piles may be judged under approximately similar light conditions.

AUTHENTIC DETERMINATION OF QUALITY

Most of the defects inherent in this system of marketing lie in the lack of an impartial, disinterested, and authentic determination of quality, and it is this deficiency that the Federal grading service seeks to correct.

NET RESULTS

The net results of the tobacco-grading service may be stated thus: The service is educational in that it promotes more intelligent handling of the tobacco previous to sale; improved handling works to the advantage to those who buy the tobacco, thus enhancing prices paid to growers; the Federal grade marks reduce the wide fluctuations in price, which is another way of saying that prices tend to become stabilized, and that, in turn, means fewer unjustly low prices and fewer dissatisfied growers.

Above all, the grading service supplies a universal language for quality and, practically speaking, places the grower on even terms with the buyer, in so far as a knowledge of quality is concerned. In all these respects the tobacco-grading service represents a distinct advance in the technic of tobacco marketing.

CAUTION AND NOT SPEED

No effort is being made to build with undue haste. Rather it is desired that progress be made conservatively. It is anticipated that new problems will arise, and no doubt mistakes will be made. There is every indication that the demand for the service will grow as rapidly as a well-trained personnel can be developed to handle it. The watchword will, therefore, be caution and not speed. But of this we are convinced that the Federal tobacco grading represents an important advance in tobacco marketing and that it has come to stay. We believe it is destined to grow in importance and become an established feature in the marketing of tobacco wherever the auction warehouse system prevails.

FEE

At present a fee of 10 cents per hundred pounds is charged. I feel that there should be no fee and hope to secure legislation providing for free Government inspection.

STEP IN RIGHT DIRECTION

The grading service is a step in the right direction. I very much favor the Government going still further and not only stabilize and elevate the farmers' prices by the grading service but also by the use of our warehouses enable the farmers to control the placing of their tobacco on the market so as to only offer for sale what is needed at a profitable price to the producer.

LANKFORD FARM RELIEF PLAN

My ideas in this respect are embodied in a bill I introduced at the beginning of the present Congress and in several speeches I have made here from time to time in support of my bill.

ENTHUSIASTIC HONEST OFFICIALS

I have had several conferences with the officials of the Bureau of Agricultural Economics of the Department of Agriculture and find them courteous and anxious to be helpful in the tobacco-grading service. Some of my information concerning the benefits of the service was obtained from some leaflets prepared by Mr. Charles E. Gage, tobacco statistician in charge of the tobacco section of the bureau. I thank him for his many courtesies to me.

GRADING IN GEORGIA

I was truly delighted last Saturday when I was informed that the grading service is to be extended to Georgia this season. I hope the department will be able to furnish the service to all markets where it is desired.

SERVICE IS OPTIONAL

The department does not wish to go on a market unless the service is desired by all the warehousemen and satisfactory to the farmers, and no farmer's tobacco is graded unless he wants the Government service.

CONCLUSION

I have been so disappointed when the farmers of my district failed to get what they thought they should receive for their tobacco. I am so anxious to help them get more for their tobacco, and sincerely hope the grading service may be the beginning of a better day for the tobacco farmers of south Georgia and the Nation.

RESULTS OF PRIMARY ELECTION IN THIRD NORTH CAROLINA CONGRESSIONAL DISTRICT

Mr. ABERNETHY. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

Mr. ABERNETHY. Mr. Speaker, under the privilege granted me to extend my remarks in the RECORD, I wish to take this opportunity to publicly express my appreciation to the people of the district I have the honor to represent for their loyal support of me in the Democratic primary which was held on June 7.

In the closing hours of that campaign my opponent saw fit to inaugurate against me a campaign of personalities by circulating false and derogatory statements in a last-minute effort to win votes.

The people of the third North Carolina district answered such a campaign by going to the polls and giving me one of the largest majorities ever received by a Representative in Congress in a primary in North Carolina.

I swept every county in my district by overwhelming majorities, including my opponent's home county and home precinct. I carried every precinct in my district with the exception of two small precincts in my opponent's county.

I herewith give the tabulation of my official vote, as follows:

County	Abernethy	Opponent
Carteret	2,470	102
Craven	3,842	902
Duplin	2,533	568
Jones	869	286
Onslow	1,820	298
Pamlico	1,081	166
Pender	1,371	195
Sampson	1,334	701
Wayne	4,583	682
Total	19,903	3,900
Majority	16,003	

There is no way that I can fully express the deep gratitude in my heart toward the people of my district for this high tribute and vote of confidence. I only hope that I shall always continue to merit such approval at their hands. I shall hold no duty higher than that of service to the people of my district and my State.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and under the rule referred as follows:

S. 654. An act for the relief of certain persons formerly having interests in Baltimore and Harford Counties, Md.; to the Committee on War Claims.

S. 1042. An act for the relief of Mary Altieri; to the Committee on Claims.

S. 1458. An act for the relief of the State of Florida; to the Committee on Claims.

S. 2035. An act for the relief of the Public Service Coordinated Transport, of Newark, N. J.; to the Committee on War Claims.

S. 2887. An act for the relief of N. D'A. Drake; to the Committee on Claims.

S. 4070. An act for the relief of Patrick J. Mulkaren; to the Committee on Claims.

S. 4193. An act for the relief of the State of Florida for damage to and destruction of roads and bridges by floods in 1928 and 1929; to the Committee on Roads.

S. 4247. An act to provide for the improvement of the approach to the Confederate Cemetery, Fayetteville, Ark.; to the Committee on Military Affairs.

S. 4287. An act to amend section 202 of Title II of the Federal farm loan act by providing for loans by Federal intermediate credit banks to financing institutions on bills payable

and by eliminating the requirement that loans, advances, or discounts shall have a minimum maturity of six months; to the Committee on Banking and Currency.

S. 4293. An act authorizing Ralph F. Wood, lieutenant commander, United States Navy, to accept the decoration of an Italian brevet of military pilot honoris causa tendered to him by the Italian Government; to the Committee on Foreign Affairs.

S. 4338. An act for the relief of Roscoe McKinley Meadows; to the Committee on Naval Affairs.

S. 4345. An act for the relief of Lillian G. Frost; to the Committee on Claims.

S. 4478. An act to authorize the Commissioners of the District of Columbia to close certain alleys and to set aside land owned by the District of Columbia for alley purposes; to the Committee on the District of Columbia.

S. 4576. An act to provide for an investigation as to the location and probable cost of a southern approach road to the Arlington Memorial Bridge, and for other purposes; to the Committee on Roads.

S. J. Res. 184. Joint resolution to declare July 5, 1930, a legal holiday in the District of Columbia; to the Committee on the District of Columbia.

ENROLLED BILLS SIGNED

Mr. CAMPBELL of Pennsylvania, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H. R. 11143. An act to create in the Treasury Department a bureau of narcotics, and for other purposes;

H. R. 12205. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, etc., and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors; and

H. R. 12236. An act making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1931, and for other purposes.

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 517. An act for the relief of Arch L. Gregg; and

S. 3054. An act to increase the salaries of certain postmasters of the first class.

BILLS PRESENTED TO THE PRESIDENT

Mr. CAMPBELL of Pennsylvania, from the Committee on Enrolled Bills, reported that that committee did on the following dates present to the President, for his approval, bills of the House of the following titles:

On June 7, 1930:

H. R. 1053. An act for the relief of Jacob Scott;

H. R. 1194. An act to amend the naval appropriation act for the fiscal year ended June 30, 1916, relative to the appointment of pay clerks and acting pay clerks;

H. R. 1601. An act to authorize the Department of Agriculture to issue two duplicate checks in favor of Utah State treasurer where the originals have been lost;

H. R. 1840. An act for the relief of Gertrude Lustig;

H. R. 2011. An act to authorize the Secretary of War to settle the claims of the owners of the French steamships *P. L. M. 4* and *P. L. M. 7* for damages sustained as the result of collisions between such vessels and the U. S. S. *Henderson* and *Lake Charlotte*, and to settle the claim of the United States against the owners of the French steamship *P. L. M. 7* for damages sustained by the U. S. S. *Pennsylvanian* in a collision with the *P. L. M. 7*;

H. R. 2587. An act for the relief of James P. Sloan;

H. R. 2626. An act for the relief of George Joseph Boydell;

H. R. 2951. An act granting six months' pay to Frank J. Hale;

H. R. 3118. An act for the relief of the Marshall State Bank;

H. R. 3200. An act for the relief of Bessie Blaker;

H. R. 5611. An act for the relief of William H. Behling;

H. R. 6071. An act for the relief of the Domestic and Foreign Missionary Society of the Protestant Episcopal Church of the United States;

H. R. 6591. An act authorizing the Secretary of War to grant to the town of Winthrop, Mass., a perpetual right of way over such land of the Fort Banks Military Reservation as is necessary for the purpose of widening Revere Street to a width of 50 feet;

H. R. 8589. An act for the relief of Charles J. Ferris, major, United States Army, retired;

H. R. 9109. An act authorizing the Secretary of the Navy, in his discretion, to deliver to the custody of the Jefferson Memorial Association, of St. Louis, Mo., the ship's bell, builder's label plate, a record of war services, letters forming ship's name, and silver service of the cruiser *St. Louis* that is now or may be in his custody;

H. R. 9370. An act to provide for the modernization of the United States Naval Observatory at Washington, D. C., and for other purposes;

H. R. 9975. An act for the relief of John C. Warren, alias John Stevens;

H. R. 10662. An act providing for hospitalization and medical treatment of transferred members of the Fleet Naval Reserve and the Fleet Marine Corps Reserve in Government hospitals without expense to the reservist;

On June 9, 1930:

H. R. 6348. An act donating trophy guns to Varina Davis Chapter, No. 1980, United Daughters of the Confederacy, Macclenny, Fla.;

H. R. 977. An act establishing under the jurisdiction of the Department of Justice a division of the Bureau of Investigation to be known as the division of identification and information;

H. R. 11143. An act to create in the Treasury Department a bureau of narcotics, and for other purposes;

H. R. 12205. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, etc., and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors; and

H. R. 12236. An act making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1931, and for other purposes.

ADJOURNMENT

Mr. TILSON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 19 minutes p. m.) the House adjourned to meet to-morrow, Tuesday, June 10, 1930, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Tuesday, June 10, 1930, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON WAYS AND MEANS

(10.30 a. m.)

To amend the act entitled "An act to adjust the compensation of certain employees in the Customs Service," approved May 29, 1928 (H. R. 12742).

COMMITTEE ON BANKING AND CURRENCY

(10.30 a. m.)

To authorize the Committee on Banking and Currency to investigate chain and branch banking (H. Res. 141).

COMMITTEE ON FLOOD CONTROL

(10.30 a. m.)

To amend an act entitled "An act for the control of floods on the Mississippi River and its tributaries, and for other purposes," approved May 15, 1928 (H. R. 12101).

COMMITTEE ON NAVAL AFFAIRS

(10.30 a. m.)

Authorizing the Secretary of the Navy to accept, without cost to the Government of the United States, a lighter-than-air base near Sunnyvale, in the county of Santa Clara, State of California, and construct necessary improvements thereon (H. R. 6810).

Authorizing the Secretary of the Navy to accept a free site for a lighter-than-air base at Camp Kearney, near San Diego, Calif, and construct necessary improvements thereon (H. R. 6808).

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

534. A communication from the President of the United States, transmitting supplemental estimate of appropriation in the sum of $2,500 for the War Department, for the fiscal year ending June 30, 1930, to remain available until June 30, 1931, for the erection of a marker or tablet at Roberta, Ga. (H. Doc. No. 456); to the Committee on Appropriations and ordered to be printed.

535. A communication from the President of the United States, transmitting supplemental estimate of appropriation for the Department of Agriculture, amounting to $25,000 for the fiscal year 1931, for a memorial to Theodore Roosevelt (H. Doc.

No. 457); to the Committee on Appropriations and ordered to be printed.

536. A communication from the President of the United States, transmitting supplemental estimate of appropriation for the National Capital Park and Planning Commission, in the sum of $1,000,000 (H. Doc. No. 458); to the Committee on Appropriations and ordered to be printed.

537. A communication from the President of the United States, transmitting draft of a proposed provision pertaining to an existing appropriation for the Treasury Department (H. Doc. No. 459); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. RAYBURN: Committee on Interstate and Foreign Commerce. H. R. 12232. A bill authorizing P. D. Anderson and W. B. Johnson, their heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Rio Grande River between Presidio, Tex., and Ojinaga, Mexico; without amendment (Rept. No. 1822). Referred to the House Calendar.

Mr. HUDDLESTON: Committee on Interstate and Foreign Commerce. H. R. 12616. A bill granting the consent of Congress to the State of Georgia and the counties of Wilkinson, Washington, and Johnson to construct, maintain, and operate a free highway bridge across the Oconee River at or near Balls Ferry, Ga.; without amendment (Rept. No. 1823). Referred to the House Calendar.

Mr. HUDDLESTON: Committee on Interstate and Foreign Commerce. H. R. 12617. A bill granting the consent of Congress to the State of Florida, through its highway department, to construct a bridge across the Choctawhatchee River east of Freeport, Fla.; with amendment (Rept. No. 1824). Referred to the House Calendar.

Mr. LEHLBACH: Committee on the Civil Service. S. 215. An act to amend section 13 of the act of March 4, 1923, entitled "An act to provide for the classification of civilian positions within the District of Columbia and in the field services," as amended by the act of May 28, 1928; with amendment (Rept. No. 1825). Referred to the Committee of the Whole House on the state of the Union.

Mr. HOCH: Committee on Interstate and Foreign Commerce. H. R. 11204. A bill to regulate the entry of persons into the United States, to establish a border patrol in the Coast Guard, and for other purposes; with amendment (Rept. No. 1828). Referred to the Committee of the Whole House on the state of the Union.

Mr. WASON: Joint Committee on the Disposition of Useless Executive Papers. A report on the disposition of useless papers in the Department of Labor (Rept No. 1832). Ordered to be printed.

Mr. SMITH of Idaho: Committee on the Civil Service. H. R. 10675. A bill relating to examination of applicants for positions under the apportionment provisions of the act of July 16, 1883, commonly known as the civil service act; with amendment (Rept. No. 1833). Referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. IRWIN: Committee on Claims. S. 308. An act for the relief of August Mohr; without amendment (Rept. No. 1815). Referred to the Committee of the Whole House.

Mr. SIMMS: Committee on Claims. S. 1696. An act for the relief of Thomas L. Lindley, minor son of Frank B. Lindley; with amendment (Rept. No. 1816). Referred to the Committee of the Whole House.

Mr. IRWIN: Committee on Claims. H. R. 5384. A bill for the relief of Same Giacalone and Same Ingrande; with amendment (Rept. No. 1817). Referred to the Committee of the Whole House.

Mr. IRWIN: Committee on Claims. H. R. 10052. A bill for the relief of A. J. Bell; with amendment (Rept. No. 1818). Referred to the Committee of the Whole House.

Mr. SIMMS: Committee on Claims. H. R. 10719. A bill for the relief of Capt. V. V. de Sveshnikoff; without amendment (Rept. No. 1819). Referred to the Committee of the Whole House.

Mr. IRWIN: Committee on Claims. H. R. 12149. A bill for the relief of Ralph E. Williamson for loss suffered on account of the Lawton (Okla.) fire, 1917; without amendment (Rept. No. 1820). Referred to the Committee of the Whole House.

Mr. IRWIN: Committee on Claims. H. R. 12476. A bill for the relief of B. T. Williamson; without amendment (Rept. No. 1821). Referred to the Committee of the Whole House.

Mrs. KAHN: Committee on Military Affairs. H. R. 3117. A bill for the relief of George W. Edgerly; without amendment (Rept. No. 1826). Referred to the Committee of the Whole House.

Mrs. KAHN: Committee on Military Affairs. H. R. 9709. A bill for the relief of George Walters; without amendment (Rept. No. 1827). Referred to the Committee of the Whole House.

Mr. McSWAIN: Committee on Military Affairs (H. R. 10536. A bill for the relief of Ira L. Reeves; without amendment (Rept. No. 1829). Referred to the Committee of the Whole House.

Mr. WAINWRIGHT: Committee on Military Affairs. H. R. 7524. A bill authorizing the President to order Clive A. Wray before a retiring board for a hearing of his case, and upon the findings of such board to determine whether or not he be placed on the retired list with the rank and pay held by him at the time of his discharge; without amendment (Rept. No. 1830). Referred to the Committee of the Whole House.

Mr. WAINWRIGHT: Committee on Military Affairs. H. R. 9416. A bill authorizing the President to order Ellis S. Hopewell before a retiring board for a hearing of his case, and upon the findings of such board to determine whether or not he be placed on the retired list with the rank and pay held by him at the time of his discharge; without amendment (Rept. No. 1831). Referred to the Committee of the Whole House.

CHANGE OF REFERENCE

Under clause 2 of Rule XXII, the Committee on Pensions was discharged from the consideration of the bill (H. R. 12828) granting an increase of pension to Anna E. Church, and the same was referred to the Committee on Invalid Pensions.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BUTLER: A bill (H. R. 12835) authorizing the use of tribal funds of Indians belonging on the Klamath Reservation, Oreg., to pay expenses connected with suits pending in the Court of Claims, and for other purposes; to the Committee on Indian Affairs.

By Mr. HUDSPETH: A bill (H. R. 12836) providing for the issuance of patents upon certain conditions to lands and accretions thereto determined to be within the State of New Mexico in accordance with the decree of the Supreme Court of the United States entered April 9, 1928; to the Committee on the Public Lands.

By Mr. O'CONNOR of Oklahoma: A bill (H. R. 12837) to provide for the reimbursement of the Pawnee Tribe of Indians for certain of their tribal lands ceded by the United States Government without their consent and without consideration paid therefor to said tribe of Indians; to the Committee on Indian Affairs.

By Mr. WELCH of California: A bill (H. R. 12838) to authorize the conveyance by the United States to the State of California of the naval and military reservations on Yerba Buena Island in San Francisco Harbor, Calif.; to the Committee on Military Affairs.

By Mr. ZIHLMAN: A bill (H. R. 12839) to authorize the Secretary of War to permit the withdrawal of water from the Government conduit between Great Falls, Md., and the District of Columbia, for fire-fighting purposes; to the Committee on Military Affairs.

By Mr. CRAMTON: A bill (H. R. 12840) to amend section 3 of the act entitled "An act to enable the trustees of Howard University to develop an athletic field and gymnasium project, and for other purposes," approved June 7, 1924, as amended by the act of January 14, 1927; to the Committee on the District of Columbia.

By Mr. DAVILA: A bill (H. R. 12841) to extend to Porto Rico the benefits of the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved July 11, 1916; to the Committee on Roads.

By Mr. DRANE: A bill (H. R. 12842) to create an additional judge for the southern district of Florida; to the Committee on the Judiciary.

By Mr. JOHNSON of Washington: A bill (H. R. 12843) granting the consent of Congress for the construction of a dike or dam across the head of Camas Slough to Lady Island on the Columbia River in the State of Washington; to the Committee on Interstate and Foreign Commerce.

By Mr. LEAVITT: A bill (H. R. 12844) granting the consent of Congress to the State of Montana, the counties of Roosevelt, Richland, and McCone, or any of them, to construct, maintain, and operate a free highway bridge across the Missouri River at or near Poplar, Mont.; to the Committee on Interstate and Foreign Commerce.

By Mr. COOPER of Ohio: A bill (H. R. 12845) to provide that the United States shall cooperate with the States in promoting the general health of the rural population of the United States, and the welfare and hygiene of mothers and children; to the Committee on Interstate and Foreign Commerce.

By Mr. O'CONNOR of Louisiana: Joint resolution (H. J. Res. 358) authorizing the Secretary of War to lease to New Orleans Association of Commerce, New Orleans Quartermaster Intermediate Depot Unit No. 2; to the Committee on Military Affairs.

By Mr. STONE: Joint resolution (H. J. Res. 359) providing for a commission to be known as the mob law commission; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ARNOLD: A bill (H. R. 12846) granting an increase of pension to Frances C. Grant; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12847) granting an increase of pension to Mary E. Tally; to the Committee on Invalid Pensions.

By Mr. BUCKBEE: A bill (H. R. 12848) granting an increase of pension to Delilah Boucher; to the Committee on Invalid Pensions.

By Mr. ELLIOTT: A bill (H. R. 12849) granting a pension to Mary F. White; to the Committee on Invalid Pensions.

By Mr. FISH: A bill (H. R. 12850) granting a pension to Sarah H. McCreery; to the Committee on Invalid Pensions.

By Mr. HOGG: A bill (H. R. 12851) granting an increase of pension to Susanna List; to the Committee on Invalid Pensions.

By Mr. HOPKINS: A bill (H. R. 12852) granting a pension to Frances E. Pike; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12853) granting an increase of pension to Bertha Ann Gay; to the Committee on Invalid Pensions.

By Mr. KIEFNER: A bill (H. R. 12854) for the relief of Katie Chelf; to the Committee on Invalid Pensions.

By Mr. KINZER: A bill (H. R. 12855) granting an increase of pension to Kate Walter; to the Committee on Invalid Pensions.

By Mr. KURTZ: A bill (H. R. 12856) authorizing the President to appoint Stephen V. Luddy a first lieutenant, Dental Corps, in the United States Regular Army; to the Committee on Military Affairs.

Also, a bill (H. R. 12857) granting an increase of pension to Miriam E. Hogue; to the Committee on Pensions.

Also, a bill (H. R. 12858) granting a pension to Anna Mary Bell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12859) granting an increase of pension to Mary Ann Blake; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12860) granting an increase of pension to Sarah Jane Davis; to the Committee on Invalid Pensions.

By Mrs. LANGLEY: A bill (H. R. 12861) granting a pension to James Baker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12862) granting an increase of pension to Frank Miller; to the Committee on Pensions.

By Mr. LONGWORTH: A bill (H. R. 12863) granting an increase of pension to Edith Stevens; to the Committee on Pensions.

By Mr. MOUSER: A bill (H. R. 12864) granting an increase of pension to Sarah C. Miller; to the Committee on Invalid Pensions.

By Mr. NELSON of Maine: A bill (H. R. 12865) for the relief of Joseph Dumas; to the Committee on Claims.

By Mr. SNELL: A bill (H. R. 12866) granting an increase of pension to Nancy Blake; to the Committee on Invalid Pensions.

By Mr. STRONG of Kansas (by request of the Comptroller General): A bill (H. R. 12867) to authorize and adjust the claim of the estate of Thomas Bird; to the Committee on War Claims.

By Mr. THOMPSON: A bill (H. R. 12868) granting an increase of pension to Augusta Webb Orcutt; to the Committee on Invalid Pensions.

By Mr. ZIHLMAN: A bill (H. R. 12869) granting an increase of pension to Mary E. Mencer; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

7506. By Mr. BLACKBURN: Memorial of the Centenary Methodist Episcopal Church, of Lexington, Ky., signed by Ivor C. Hyndeman, president, and Mrs. L. J. Godbey, secretary, urging Congress to enact a law for the supervision of the distribution and production of motion pictures; to the Committee on Interstate and Foreign Commerce.

7507. By Mr. CARTER of California: Petition signed by Ruth M. Burr, Betty Fraser, Patricia Dunlap, and 43 other students of the current history class of Oakland Technical High School, Oakland, Calif., urging the passage of Senator McMASTER's bill providing for the purchase of wheat for the starving Chinese; to the Committee on Agriculture.

7508. By Mr. FITZGERALD: Petition signed by 34 residents of Montgomery County, Ohio, asking for repeal of Volstead Act; to the Committee on the Judiciary.

7509. Also, petition signed by 47 residents of Montgomery County, Ohio, asking support of the Saturday half holiday bill for Federal employees; to the Committee on the Civil Service.

7510. By Mr. GARBER of Oklahoma: Petition of Order of Railway Conductors and the Railway Telegraphers, Springfield, Mo., in support of Couzens resolution, S. J. Res. 161; to the Committee on Interstate and Foreign Commerce.

7511. Also, petition of Canisteo Chamber of Commerce, Canisteo, N. Y., in re Senate Joint Resolution 161; to the Committee on Interstate and Foreign Commerce.

7512. Also, petition of Southern California Retail Druggists Association, Los Angeles, Calif., in opposition to House bill 11; to the Committee on Interstate and Foreign Commerce.

7513. Also, petition of Brotherhood of Railroad Trainmen, Oklahoma City Lodge, No. 725, Oklahoma City, Okla., in support of Senate Joint Resolution 161; to the Committee on Interstate and Foreign Commerce.

7514. By Mr. KIEFNER: Letters from Hon. Charles M. Hay, St. Louis, Mo., general chairman of the Frisco Lines at Springfield, Mo.; D. W. Gramling, chairman the Missouri State Legislative Board of the Brotherhood of Locomotive Engineers, Fornfelt, Mo.; and the general chairman of the organizations—the Order of Railway Conductors and the Order of Railroad Telegraphers—all urging the passage of the Couzens joint resolution proposing to suspend the powers of the Interstate Commerce Commission to authorize consolidations and unifications of railroads until such time as proper legislation for the protection of employees and public in general can be passed by Congress; to the Committee on Interstate and Foreign Commerce.

7515. By Mr. PATMAN: Petition of H. G. Hemby and 54 other citizens of Texas favoring Senate bill 1468, to amend the food and drugs act of June 30, 1906; to the Committee on Agriculture.

7516. By Mr. HARCOURT J. PRATT: Petition of Kate A. Covert and Irene Sickler, of Highland and Clintondale, N. Y., for Clintondale (N. Y.) Woman's Christian Temperance Union, urging enactment of law for the Federal supervision of motion pictures; to the Committee on Interstate and Foreign Commerce.

7517. Also, petition of Emma Y. Carpenter and Lizzie Dransfield, of Wallkill, Ulster County, N. Y., for Plattekill Woman's Christian Temperance Union, urging enactment of laws for the Federal supervision of motion-picture production; to the Committee on Interstate and Foreign Commerce.

SENATE

TUESDAY, *June 10, 1930*

(Legislative day of Monday, June 9, 1930)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

The VICE PRESIDENT. The Senate will receive a message from the House of Representatives.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Chaffee, one of its clerks, announced that the House had passed without amendment the following bills of the Senate:

S. 2836. An act to admit to the United States Chinese wives of certain American citizens;

S. 4085. An act to authorize the use of a right of way by the United States Indian Service through the Casa Grande Ruins National Monument in connection with the San Carlos irrigation project;

S. 4169. An act to add certain lands to the Zion National Park in the State of Utah, and for other purposes;

S. 4170. An act to provide for the addition of certain lands to the Bryce Canyon National Park, Utah, and for other purposes; and